

**In the Matter Of:**

**UNITED STATES vs STATE OF GEORGIA**

1:16-CV-03088-ELR

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**AMBER MCCOLLUM**

*November 09, 2022*

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UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
United States of America, No.  
Plaintiff, 1:16-CV-03088-ELR  
vs.  
State of Georgia,  
Defendant.  
~~~~~

VIDEOTAPED DEPOSITION OF  
AMBER MCCOLLUM  
November 9, 2022  
9:22 a.m.  
500 14th Street NW  
Atlanta, Georgia

Marcella Daughtry, RPR, RMR  
Georgia License No. 6595-1471-3597-5424  
California CSR No. 14315

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Brandon Brantley, videographer (in person)  
Stacey Suber-Drake (in person)

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1 THE VIDEOGRAPHER: This is the video  
2 deposition of Amber McCollum being taken in the matter of  
3 United States of America versus State of Georgia.  
4 Today's date is November 9th, 2022. The time on the  
5 record is 9:22 a.m. My name is Brandon Brantley. I am  
6 the videographer.

7 Counsel, please introduce yourselves for the  
8 record. After which, the court reporter will swear in  
9 the witness.

10 MS. TAYLOE: Laura Tayloe for the Department of  
11 Justice.

12 MS. GARDNER WOMACK: Kelly Gardner Womack for  
13 the United States.

14 MS. JOHNSON: Melanie Johnson for the State of  
15 Georgia.

16  
17 AMBER MCCOLLUM,  
18 called as a witness herein, having been first duly sworn  
19 by the shorthand reporter to speak the truth and nothing  
20 but the truth, was examined and testified as follows:

21

22 EXAMINATION

23 BY MS. TAYLOE:

24 Q Good morning, Ms. McCollum.

25 A Good morning.



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1 Q My name is Laura Tayloe. I represent the  
2 United States in U.S. v. Georgia, Civil Action  
3 1:16-CV-03088.

4 Thank you for your time today and for your  
5 patience and to our colleagues online for your patience  
6 while we worked through those Zoom update tech issues.

7 I am here with my colleague Kelly Gardner, and  
8 I am here today to take your deposition.

9 Could you please state your name for the  
10 record.

11 A Amber McCollum.

12 Q Okay. And am I correct that you are being  
13 represented by Ms. Johnson for purposes of today's  
14 deposition?

15 A Yes.

16 Q Okay. Have you ever been deposed before?

17 A No.

18 Q Okay. This has probably been explained to you  
19 before, but I just want to go over a few preliminary  
20 matters related to the process of taking a deposition.

21 The court reporter is going to be writing down  
22 or recording what you and I say, so I would ask that you  
23 answer orally. No shaking or nodding of the head. No  
24 uh-huhs or huh-uhs, but yes or no to each one.

25 A Yes.

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1 Q Okay. And for the same reason, we are going to  
2 try not to talk over each other. I will wait until  
3 you've finished answering before I ask my next question,  
4 and I would ask that you try to let me finish the  
5 question before answering.

6 A I will do that.

7 Q Okay. If you don't understand my question,  
8 feel free to let me know that, and I will try to rephrase  
9 it or clarify in some way that's -- that's helpful to  
10 you. And especially with the terminology that you know  
11 so well and I don't know so well, if I use a word  
12 improperly or a way it doesn't make sense, you know, feel  
13 free to let me know that my question doesn't make sense,  
14 and we can try to figure out what I have said wrong.

15 A Okay.

16 Q If there comes a time later in the deposition  
17 that you remember something that you didn't remember at  
18 the time of a previous question, feel free to let me  
19 know. We can just supplement your answer from before at  
20 that time. It's not a problem to come back to something  
21 later on.

22 A Okay.

23 Q If the attorney for the State objects to my  
24 question, you can still answer it so long as she hasn't  
25 instructed you not to -- not to answer the question.

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1 A Okay.

2 MS. TAYLOE: Are we still agreeing to withhold  
3 objections except as to form and privilege?

4 MS. JOHNSON: Yes.

5 MS. TAYLOE: Thank you.

6 Q BY MS. TAYLOE: We will take occasional breaks  
7 during this deposition. If you need a break at any time,  
8 just let me or Ms. Johnson know, and we can work around  
9 that. I would just ask you if there's a question  
10 pending, you answer that question first, and then we will  
11 take a break.

12 A Yes.

13 Q Is there any reason you can think of why you  
14 wouldn't be able to understand and answer questions  
15 completely and truthfully today?

16 A No.

17 Q Okay. Okay. So the first document I'd like to  
18 introduce is a deposition notice for your appearance  
19 today. I'm going to mark it as Exhibit 581 and ask  
20 Ms. Gardner to pull it up and give you control so you can  
21 review the document. This is the one we practiced on  
22 before.

23 (Plaintiff's Exhibit 581 was marked for  
24 identification.)

25 THE WITNESS: Okay.

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1 Q BY MS. TAYLOE: Have you seen this document  
2 before?

3 A Yes.

4 Q Is it a subpoena to testify at a deposition in  
5 a civil action?

6 A Yes.

7 Q And it's addressed to you?

8 A That's correct.

9 Q And can you confirm that you received the  
10 subpoena and that your appearance today is pursuant to  
11 the subpoena?

12 A Yes.

13 Q Thank you.

14 Do you understand this deposition is being  
15 taken in connection with the litigation relating to the  
16 Georgia Network for Educational and Therapeutic Support  
17 program?

18 A Yes.

19 Q And that that is more commonly referred to as  
20 the "GNETS program"?

21 A Yes.

22 Q When did you first learn about this litigation?

23 A I can't remember. I believe it was probably  
24 2016 or 2017.

25 Q So can you place that in time with relative to

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1 either your work or --

2 A Yes --

3 Q -- litigation?

4 A -- it was because of my job.

5 Q Okay. And was it around the time the lawsuit  
6 was filed or was it sometime after that? Or was there --

7 A I imagine it was sometime after that.

8 Q Okay. And do you remember how you learned  
9 about it?

10 A No.

11 Q Were you asked to do anything in connection  
12 with it?

13 A No.

14 Q Okay. What is your understanding of the nature  
15 of the lawsuit?

16 A I believe that this lawsuit is about the GNETS  
17 program and if it has violated the rights of students  
18 with disabilities.

19 Q Do you have a sense as to what the allegations  
20 are about what rights have been violated?

21 A I feel like I have a small sense. I think that  
22 it's about if the placement options are appropriate for  
23 students --

24 Q Okay.

25 A -- in their IEP.

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1 Q Okay. Thank you.

2 So I'm going to ask you some questions about  
3 anything you did to prepare for today's deposition, and I  
4 just want to make sure you understand I'm not asking  
5 about any conversations or communications you had with  
6 counsel. Okay?

7 A (No oral response.)

8 Q So did you meet with counsel to prepare for  
9 today's deposition?

10 A Yes.

11 Q For about how long?

12 A An hour.

13 Q And was that with Ms. Johnson?

14 A Yes.

15 Q Okay. Did you meet with anybody other than  
16 counsel?

17 A No.

18 Q And was anybody other than counsel present with  
19 your meeting with Ms. Johnson?

20 A Yes.

21 Q Who else was there?

22 A Stacey Suber-Drake.

23 Q Okay. Did you review any documents in  
24 preparation for today's deposition?

25 A No.

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1 Q Okay. Did you review any documents apart from  
2 your meeting with counsel?

3 A I'm -- no.

4 Q In preparation for the deposition?

5 A I did try to figure out what my first job title  
6 was. That's it.

7 Q I appreciate that.

8 Okay. Have you spoke with anybody who has been  
9 deposed in connection with this lawsuit?

10 A No.

11 Q Okay. Did you do anything to assist with the  
12 State's production of documents in request -- in response  
13 to our request for the production of documents?

14 A Yes.

15 Q What was your role in that?

16 A I was sent the interrogatories that overlapped  
17 with the job that I did, and I pulled those documents.

18 Q Okay. So just to be clear, you are going to be  
19 correcting me on budget things, so I will -- I will make  
20 a little clarification on legal things. Interrogatories  
21 would be questions that the State -- or the State wrote  
22 out answers to, and document requests are requests for  
23 documents.

24 You said an interrogatory and then you looked  
25 for documents. Do you know, was it a document request

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1 that you were looking for documents for, or were you  
2 helping to write answers for the interrogatories?

3 A I believe both.

4 Q Both. Okay.

5 A Uh-huh.

6 MS. JOHNSON: Just a point of clarification.  
7 We provided documents as our response to some of the  
8 interrogatories.

9 MS. TAYLOE: Okay. Thank you.

10 MS. JOHNSON: Uh-huh.

11 Q BY MS. TAYLOE: Do you remember what areas that  
12 fell within your job description that they sought your  
13 consultation on?

14 A Yes. It was GNETS funding.

15 Q Funding. Okay.

16 And do you know what documents you -- or  
17 documents on what topics you provided in response?

18 A GNETS funding.

19 Q Okay. Okay. Do you know if anybody else  
20 helped in -- in that? Is there anybody else in the  
21 Department of Education who helped produce documents for  
22 GNETS funding?

23 A I don't know. I don't know.

24 Q Okay. All right. So now I'm going to go  
25 through -- there is a lot of acronyms in this case and in



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1 your work and in my work, so I want to go through a few  
2 for the court reporter's sake and so that we make sure  
3 we're talking about the same things. Okay?

4 A Okay.

5 Q We already covered, if I say the term "GNETS,"  
6 you'll understand it is the Georgia Network for  
7 Educational and Therapeutic Supports, correct?

8 A Yes.

9 Q Okay. And if I say "DOE" or Georgia Department  
10 of Education or "GaDOE," I'm referring to the Georgia  
11 Department of Education?

12 A That's correct.

13 Q And "LEA," I mean local educational  
14 authority --

15 A Yes.

16 Q -- or agency?

17 A Yes.

18 Q And "SEA" is state educational agency?

19 A Yes.

20 Q "SBOE" or "State BOE" is the State Board of  
21 Education?

22 A Yes.

23 Q "OBP" (sic) is the Office of Planning and  
24 Budgement -- sorry, Planning and Budget in the  
25 government's -- in the governor's office?

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1 A Yes.

2 Q And "RESA" is a regional educational service  
3 agency?

4 A Yes.

5 Q Okay. And then there is some I would like you  
6 to define or explain for me so that I understand some of  
7 the abbreviations that come up in your work. And we're  
8 gonna talk about these more in depth later. I just kind  
9 of now want to know what the abbreviations stand for and  
10 roughly what they are. Okay?

11 A Okay.

12 Q Could you tell me what FTE stands for?

13 A Full-time equivalent.

14 Q And what is that generally?

15 A It's -- to my understanding, it's the amount a  
16 student receives in funding. It's a -- it's an amount in  
17 funding per student.

18 Q Okay. Is it related to student count?

19 A It's related to student count.

20 Q Okay. And QBE?

21 A Quality basic education.

22 Q And what is that?

23 A That is the State's formula for providing  
24 funding.

25 Q And LUA? Okay, this isn't meant to be -- I've

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1 seen some place that it says local unit of  
2 administration. I'm just not sure how that's different  
3 from an LEA.

4 A I'm not sure how it's different from an LEA  
5 either.

6 Q Okay. That's good to know.

7 A I've seen it in lots of documents.

8 Q So they might be used interchangeably in some  
9 places?

10 A That's correct.

11 Q Okay. And we might talk about FAPE. Do you  
12 know what FAPE is?

13 A Free appropriate education, public education.

14 Q Okay. And EBD?

15 A Emotional behavior disorder.

16 Q And LRE?

17 A Least restrictive environment.

18 Q Okay. Thank you. I think that will help to  
19 make sure we're using the same terms and the same things  
20 in mind.

21 Now we're gonna put your depo prep to use,  
22 because I'm going to go through some of your background.

23 A Okay.

24 Q You'll be ready for this. Can you tell me,  
25 please, where you went to college?

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1 A The University of Georgia. I -- I went to  
2 several colleges.

3 Q And you graduated from the University of  
4 Georgia?

5 A I graduated from the University of Georgia with  
6 a bachelor's degree.

7 Q And what was that degree in?

8 A Health promotion and education.

9 Q And where did you go to graduate school?

10 A Walden University for master's, and the  
11 University of West Georgia for a specialist degree in  
12 education.

13 Q And what were those -- what was the master's  
14 in?

15 A Curriculum instruction.

16 Q And the specialist degree?

17 A Leadership in education.

18 Q Okay. Thank you.

19 And do you have any current certifications or  
20 licenses related to your work?

21 A I have an English, an ESOL license, which is  
22 English --

23 THE REPORTER: What is that?

24 THE WITNESS: For -- English for speakers of  
25 second languages.

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1 I have -- I mean, I don't know what you mean.  
2 I have lots of things, like the privacy certification  
3 that they give at work; but outside of like formal  
4 professional certifications, I can't think of any others.

5 Q BY MS. TAYLOE: Okay. I just didn't know if  
6 there was any -- like I know there's a CPA at some level,  
7 but I don't know any other kind of certifications --

8 A No.

9 Q -- or budget kind of things like that.

10 A No, I do not.

11 Q All right. And then I'd like you to walk  
12 through your job experience since graduation.

13 A Okay. I was -- I was hired as a special  
14 education teacher in Rockdale County, and I worked as a  
15 special education teacher for seven years. During that  
16 seven years, I also was a lead teacher for special  
17 education within the school building. It was an  
18 elementary school. I taught various parts of special  
19 education, including small group and co-teaching. I  
20 taught grades preschool through 5th grade.

21 The last three years of my time at Rockdale  
22 County, I worked in special education administration. It  
23 was called a compliance specialist at the time. I also  
24 managed the reading curriculum for students with  
25 disabilities from kindergarten through high school, but I

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1 mostly supported elementary school throughout my time in  
2 administration.

3 Q Okay. And you said that was for seven years.  
4 Can you give the approximate time frame for that?

5 A I was seven years as a teacher, and then I was  
6 three years as an administrator, so a total of ten years  
7 in Rockdale County in special education.

8 Q So let me see. You graduated -- was that  
9 following your graduation from college or grad school?

10 A I graduated with my undergrad in 2003. I  
11 graduated with my master's, I believe, in 2009. That's  
12 the one thing I didn't go back to verify the dates on.  
13 And then I graduated with my leadership degree in 2014,  
14 around 2014.

15 Q And so was this time at Rockdale County Schools  
16 during those certi- -- the -- the graduate work, too?

17 A Uh-huh. Yes.

18 Q So it was in the early 2000s?

19 A Yes.

20 Q Okay. And then when did you -- was it after  
21 that you came to work for the Department of Education?

22 A I came to work for the Department of Education  
23 in 2014, October 1st.

24 Q In 2014, okay.

25 And what was your first title there?

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1 A Research specialist.

2 Q And how long were you in that position?

3 A A few months. Less than a year.

4 Q And then what was your next position?

5 A Program specialist.

6 Q And how long were you in that position?

7 A A year or two, maybe.

8 Q And what were your responsibilities -- so when  
9 you were program specialist, were you within a certain  
10 division? Or how does that work?

11 A Yes. I was in the division for special  
12 education services and supports, and I mostly worked with  
13 LEA funding for special education, both state and  
14 federal.

15 Q Okay. And what was your position after that?

16 A Program manager.

17 Q In the same division?

18 A In the same division.

19 Q Okay. And how long were you there?

20 A Until last October.

21 Q And what were your responsibilities there? How  
22 are they different from the previous position?

23 A From the previous position, they weren't that  
24 much different. I still managed -- I managed a team, and  
25 we reviewed applications for funding for both the IDEA

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1 grants and other special education funding.

2 I took on more of an SEA role at that time  
3 where, you know, we discussed the funding that the SEA  
4 oversaw from the Individuals with Disabilities Education  
5 Act, federal funds and any other state funds. I would,  
6 you know, work with the budget analyst to determine how  
7 much money we had and if we're following our grant  
8 application. I also helped to write the grant  
9 application for our IDEA funds.

10 I worked with other program managers if they  
11 had specific program manager budgets, and I managed the  
12 team that did the intake of LEA grant applications for  
13 various funding. It could be state and local, but it was  
14 all special education funding.

15 Q Okay. Thank you. That's helpful.

16 Did that include -- when you said you reviewed  
17 applications for grants for special ed funding, did that  
18 include GNETS grants?

19 A Yes.

20 Q The whole time?

21 A Okay. Let me clarify that. I did not take the  
22 actual applications where they talked about the program.  
23 I took the funding application, so it would be mostly  
24 their budget. And what our team reviewed in those grant  
25 applications would be for federal allowability, if it was



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1 the federal funding side of it, and, you know, function  
2 and object codes for both state and federal GNETS, LEA  
3 applications. But as far as the programmatic  
4 applications, I was not involved.

5 Q And when you -- I want to make sure I'm using  
6 these terms right, then. So when you talk about state  
7 and LEA applications, is that because there's an amount  
8 that the State appropriates for the GNETS program, and  
9 then an amount from that that is allocated to LEAs?

10 A That's correct.

11 Q Okay. Thank you.

12 Okay. And so that was through October of last  
13 year?

14 A Yes. That was through October of last year.

15 Q Okay. And what is your current job title?

16 A Senior program manager.

17 Q And have you been in that position since  
18 October of last year?

19 A Yes.

20 Q What are your responsibilities, if to the  
21 extent they're different from what you have said before,  
22 in this current position?

23 A Sure. I supervise the team that does what I've  
24 explained before. So I supervise the fiscal team. I  
25 supervise the data and GO-IEP team within special

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1 education. I assist with policies and procedures within  
2 special education. I assist with State Board rules and  
3 State Board of Education items that we take on a regular  
4 basis and other duties as assigned.

5 Q Okay. Thank you. That gives me a good  
6 perspective.

7 Who do you report to?

8 A The director of special education, Wina Low.

9 Q And do you meet with her regularly?

10 A Daily.

11 Q Okay. So it's not that you have certain  
12 scheduled meetings; just your daily interactions come up  
13 when you are dealing with different issues?

14 A That's correct.

15 Q Okay.

16 A We do have scheduled meetings as managers.

17 Q So would that be she meets with all the  
18 managers within her -- is she the head of a division or?

19 A Yes. She's a head of the special education  
20 services supports division, and we have leadership  
21 meetings on Thursdays, which is all of the program  
22 managers in special education.

23 Q Thursday. Okay.

24 A Including the senior program managers.

25 Q So that would be including -- so you've been

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1 doing that for a couple of years then, because you did  
2 that as a senior program manager as well?

3 A Yes. In my previous role and my current role,  
4 we did the same thing.

5 Q So about how many people are at those meetings,  
6 then, out of how many program managers there are?

7 A I think there are seven.

8 Q So --

9 A So it would be the director and the program  
10 managers, two senior program managers.

11 Q Oh, there is two senior program managers, so  
12 it's seven including the --

13 A Yes.

14 Q Okay. Thank you.

15 Does anybody report to you?

16 A Yes.

17 Q Who is that?

18 A Our budget analyst reports to me. Our program  
19 manager over funding and special education, Malissa  
20 Roberts, reports to me. Our program manager over special  
21 education data and GO-IEP, Linda Castellanos, reports to  
22 me.

23 Q And who is -- did you name the budget analyst?

24 A Marilyn Carter.

25 Q And I'm sorry, I missed what was

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1 Ms. Castellanos's responsibility?

2 A She manages the -- the data in special  
3 education and GO-IEP.

4 Q Can you tell me what GO-IEP is?

5 A Yes. It is an online IEP application that we  
6 offer to LEAs free of charge. Well, we pay for it,  
7 but...

8 Q Free of charge to the LEAs?

9 A Free of charge to the LEAs.

10 Q It's an online IEP application, is that what  
11 you said?

12 A It's an online IEP application, yes.

13 Q What -- what does that do?

14 A It -- it's similar to other software, where  
15 LEAs and teachers can manager IEPs online. So they can  
16 develop the IEP and, you know, have the IEP team meeting.  
17 It's -- it's similar to a software.

18 Q Okay. And so that allows, for instance, if a  
19 student moves -- is it -- is it localized to the LEA or  
20 is it a system that could be accessed between LEAs?

21 A It's localized -- well, both. If -- if a  
22 student moves from one LEA to another LEA, they could  
23 easily be able to obtain those records. We would -- we  
24 have control of that. We have -- it's fully protected,  
25 and, you know, secure, but yes, LEAs -- depending upon if

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1 the LEA uses the GO-IEP program, they could potentially  
2 have access -- easier access to those records when the  
3 student moved to that LEA.

4 Q Okay. I can understand that.

5 Okay. Then I'd like to get a sense of the  
6 budgeting services within the Georgia Department of  
7 Education overall. Is there -- it sounds like you do the  
8 budgeting for your division. Does each division have  
9 people who do budgets in them, or is there one sort of  
10 budget division for the whole section -- I'm sorry, for  
11 the whole department?

12 A I can't speak to the budget for the whole  
13 department. I can only speak to the budget in special  
14 education. And I don't know if manage is the -- I guess  
15 manage is the right word.

16 I pull together documents and make no decisions  
17 about the funding. I just pull them together and then  
18 give opinions on if we need to do a drawdown or where we  
19 are in terms of how much funding we have left available.  
20 Even on the grant application, I don't really make any  
21 decisions about that. We just -- I communicate how much  
22 we have available, how much we've used historically. I  
23 leave it to the other program managers and directors to  
24 determine the needs, and then pull together the documents  
25 to put them in the grant application.

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1 Q Okay. So Ted Beck is the chief financial  
2 officer?

3 A He is no longer the chief financial officer.

4 Q Oh. Do you know who is?

5 A Rusk Roam.

6 THE REPORTER: Say the last name again.

7 THE WITNESS: Roam, R-o-a-m.

8 Q BY MS. TAYLOE: So is -- is the chief financial  
9 officer separate from -- I'm sorry, they oversee your  
10 division or not? Because you just are within the -- the  
11 special education and service and support division?

12 A Yes. He oversees the -- he's the CFO for the  
13 Department of Education, so yes, we would fall under him;  
14 but the day-to-day operations that we do with the  
15 individuals with IDEA funds, no, he doesn't manage those.

16 Q And within your office, are there personnel who  
17 are tasked with particular grants or programs?

18 A No. Our fiscal -- yes and no. Our fiscal unit  
19 really handles all of the special education funding  
20 that -- that flows in, to my knowledge. There may be  
21 other grants that, you know, would be available to  
22 special education students but also available to other  
23 students that don't fall in the division, the special  
24 education division. We just review grant applications in  
25 the consolidated application for special education

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1 funding. So it could be, you know, IDEA funds or other  
2 state special education funding.

3 Q Okay. And so it sounds like everyone in your  
4 office works on all of them. There's not --

5 A Right.

6 Q -- tasks? Okay.

7 A Yeah.

8 Q Was there a time while you were in this  
9 division that GNETS funding was handled outside of the  
10 special education supports and services division?

11 A I don't know what you mean.

12 MS. TAYLOE: All right. Can you do tab 2.

13 Q BY MS. TAYLOE: I'm going to introduce, just  
14 for reference so you can refer to what I'm looking at,  
15 the document is GEORGIA 000007, produced a very long time  
16 ago, and it is some organizational charts that were  
17 provided to us. And I'm going to draw your attention  
18 to -- let me see which page. Look at -- can you see the  
19 Bates numbers at the bottom of the pages?

20 A I can't see anything but myself at the moment.

21 Q It looks like it's sideways, so the Bates  
22 numbers would actually be on the sides the way they were  
23 produced sideways.

24 A It's not -- oh, okay. Yeah.

25 Q Okay. Can you look at the page that's marked

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1 GEORGIA 000015.

2 A Okay. Scrolling is.

3 Q It's hard because it's sideways, too.

4 A Yeah.

5 THE VIDEOGRAPHER: Do we want to rotate it or  
6 leave it sideways?

7 THE WITNESS: Now it's not responding. Oh, now  
8 it is. Sorry.

9 Q BY MS. TAYLOE: Temperamental.

10 A Okay. Did you say -- what number did you say?

11 Q 15.

12 A 15. It either goes way down or it doesn't move  
13 at all. Now it's rolling. I was to 13 and now I'm to  
14 12. So I was getting closer and then it went back up.

15 MS. GARDNER WOMACK: Can we go off the record  
16 for a second.

17 THE WITNESS: I mean, I can tell that if I  
18 press it too much, it's going to go too far. But it  
19 keeps rolling.

20 THE VIDEOGRAPHER: We are off the record at  
21 9:53 a.m.

22 (The deposition was at recess from 9:53 a.m. to  
23 9:57 a.m.)

24 THE VIDEOGRAPHER: Back on the record at 9:57  
25 a.m.



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1 MS. TAYLOE: And I'd like to note for the  
2 record that the document I introduced, GEORGIA 000007,  
3 should be marked as Exhibit -- Plaintiff's Exhibit 582.

4 (Plaintiff's Exhibit 582 was marked for  
5 identification.)

6 Q BY MS. TAYLOE: And Ms. McCollum, have you been  
7 able to get to page 15?

8 A Yes.

9 Q Okay. Do you see sort of in the middle,  
10 towards the bottom on that page, where "Georgia Network  
11 of Educational Therapeutic Supports" is in a box there?

12 A Unfortunately, I zoomed in and I now can't see  
13 anything. Let me go lower again.

14 MS. JOHNSON: There you go.

15 THE WITNESS: Okay. All right. Can you please  
16 repeat that?

17 Q BY MS. TAYLOE: Can you see the box that has  
18 the GNETS program in it? It's -- so under "Chief of  
19 Staff," there's Matt Jones, and there's a long line  
20 across with a bunch of things that are under Matt Jones.

21 A Right.

22 Q And one of them -- the fourth one over is fed  
23 programs, and it has "exceptional --

24 A Okay.

25 Q -- students" under there. See, that's what I

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1 think is now --

2 A Yes.

3 Q -- your division?

4 And then two more over from there, there's a  
5 line that comes down. It kind of looks like it was stuck  
6 in, added between the --

7 A I see it.

8 Q -- fifth and sixth one. And then down off that  
9 one, there's a -- a box that says "Georgia Network of  
10 Educational Therapeutic Supports, GNETS"?

11 A I see it.

12 Q Okay. So when GNETS -- when this was the  
13 structure, and this document was marked as revised in  
14 August 2017, was GNETS funding handled through your  
15 office at that time?

16 A GNETS funding was never handled through our  
17 office as far as appropriations. We only -- the team,  
18 the budget team that I managed, only handled the LEA  
19 applications. So...

20 Q So were the LEA applications for GNETS handled  
21 through your office during that time?

22 A Yes.

23 Q Okay. I'm not sure what -- can you explain to  
24 me what I said wrong so I don't keep saying it?

25 A You asked --

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1 Q Because I said budgets.

2 A -- was GNETS funding handled through our  
3 office, and -- maybe I don't know what you mean.

4 Q So you said -- and I understand your point that  
5 you handle the budget applications, not the -- like the  
6 consolidated applications for GNETS. Is that the  
7 distinction you are making?

8 A Yes.

9 Q Okay. So you handle the budget applications  
10 for GNETS and sort of help decide how much money will go  
11 to each LEA -- or each GNETS program from the GNETS state  
12 grant?

13 A No. No. I did not do that. It was decided  
14 outside of what -- anything that I did. The  
15 appropriations, all of that, I did not handle. Once it  
16 was decided about the allocations, then we reviewed the  
17 grant applications as they came through the consolidated  
18 application for the fiscal agents.

19 Q Okay. I think we'll answer some of my other  
20 questions as we get further in, but for right now,  
21 whatever it is that you do --

22 A Okay.

23 Q -- did you do it for GNETS when it -- in  
24 August of 2017?

25 A Yes.

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1 Q You did?

2 A Yes.

3 Q Okay. That -- I think that will work for now.

4 Do you know when it was -- it looks like it was  
5 restructured, according to the subsequent organizational  
6 charts, that GNETS became part of the special education  
7 services and support division?

8 A Are you asking after this restructure?

9 Q Yes.

10 A It -- it was part of the special education  
11 division before and after this restructure.

12 Q So do you know why it's reflected like this in  
13 the org chart?

14 A Because at that point it was with the director,  
15 Nakeba Rahming.

16 Q Okay. And so after Nakeba Rahming left, did it  
17 change structure?

18 A No. When -- it was under special education  
19 services and supports when she was still there. She  
20 became deputy, and it -- I don't know.

21 Q Okay. And I don't want to -- okay. Well, if  
22 it comes up in later documents, we can try to figure out  
23 who was doing what when.

24 A Okay.

25 Q But I think that works for now. Thank you.

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1 Can I ask you to say what is -- and I don't  
2 know how to pronounce his first name. Is it Geronald  
3 Bell?

4 A Yes.

5 Q What is Geronald Bell's role?

6 A It is my understanding that Geronald Bell is  
7 the assistant director in budget services.

8 Q And what does that mean with respect to what  
9 your office does?

10 A Geronald Bell currently -- I don't have as --  
11 as much communication with him since he's been the  
12 assistant director.

13 Q Did he used to be in a position that you had  
14 more communication with him?

15 A Yes.

16 Q What was that position?

17 A I don't know what his title was, but he did  
18 manage the allocations for us in special education, both  
19 federal and state.

20 Q And who does that now?

21 A It's split up. Carmen Freemire does the  
22 federal allocations, and I believe Geronald Bell still  
23 does some of the state appli- -- allocations, but I don't  
24 know his -- the totality of his role.

25 Q Okay. And when you said he managed the

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1 allocations for -- in special education, can you say what  
2 that involved?

3 A Sure. We wanted to keep segregation of duties,  
4 so he would manage the formula allocations for IDEA, and  
5 then any other special education grants we had. So  
6 whether they were formula grants -- well, I think they  
7 were all formula grants. He would determine what the  
8 allocations were, and then my budget team would get that,  
9 and we would approve funding or review for allowable  
10 funding what the LEAs submitted, more of the details,  
11 so...

12 Q Okay. Okay. Then you mentioned before the  
13 weekly teams with -- team meetings with Wina Low and the  
14 managers. Are there other meetings within GaDOE that you  
15 meet with regularly with respect to special education  
16 funding?

17 A Our -- our team had -- not anymore, no. Our  
18 team met weekly. When I was the program manager of  
19 budget, we met weekly just to talk about what's going on  
20 that week.

21 Q And when you say "not anymore," why is that?

22 A Because Malissa Roberts is over that, and I  
23 mostly just meet with the two managers that I supervise.

24 Q Are there any reports or data reviews in  
25 connection with any of these meetings, including the

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1 weekly meetings with the -- the managers you talked about  
2 before?

3 A Yes.

4 Q Can you describe them?

5 A It would be difficult because things are  
6 constantly moving, and I would not be able to tell you on  
7 any specific date what data or anything that we were  
8 looking at. But it could include monitoring data or  
9 draw-down data or draw-down reports or completion reports  
10 or reports on how many LEAs have submitted a budget, who  
11 still needs to submit a budget, things like that.

12 Q So is it fair to say this would depend on sort  
13 of where you are in the budget or allocation cycle that  
14 you would be focusing on different things?

15 A Yes, that is correct.

16 Q Okay. So is there an agenda for -- like does  
17 someone say, okay, this week we are going to talk about X  
18 and someone brings a report in connection with that?

19 A Yes, we generally had agendas.

20 Q Okay. And who -- who sets those?

21 A The manager or the team. I guess the team  
22 could say, hey, we need to talk about this, and we would  
23 add it to the agenda.

24 Q Okay. Okay. I think that gives me a good  
25 overview of the structure going on.

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1 Now I want to talk a little bit about the  
2 source of funding for general education generally.

3 A Excuse me, did you say general education?

4 Q I'm sorry, I said special education generally,  
5 just sort of the general sources of funding for special  
6 education.

7 A Okay.

8 Q So I want to make sure I'm saying the -- does  
9 your office handle -- and we'll get to what I don't  
10 understand about handling, but there's some element of  
11 federal -- well, let me back up. Sorry.

12 Special education services can be funded in  
13 part through federal, state, and local funds; is this  
14 correct?

15 A That's correct.

16 Q Okay. And I want to talk about the federal  
17 funds first. Does your office work with any of these?  
18 And then we can talk about how they work with it, because  
19 I'm -- that's part of the thing I'm missing. Does your  
20 office work with IDEA funds?

21 A Yes.

22 Q Okay. Any other special education specific  
23 funds?

24 A Yes.

25 Q What are they?



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1           A    We have sub grants that we manage. Part of  
2   them come from IDEA funds, like our high cost grant. We  
3   also manage state categorical grants, such as the  
4   preschools with disabilities grant, the residential and  
5   reintegration grant. I know we manage seven grants, and  
6   I can't think of them. Those are some examples. I  
7   cannot think of any others at the moment.

8           Q    And I just want to make sure I understand,  
9   because I was asking about federal funds and you said  
10  "state categorical grants." Does that mean it comes in  
11  as a federal fund and you reallocate it?

12          A    Okay. Let me clarify an answer that I -- I had  
13  earlier. So when I say we manage state and federal funds  
14  for special education, our team was only managing state  
15  categorical grants for special education, which would be  
16  what the -- I don't know who decides, but somebody  
17  decides that -- I guess the State of Georgia gets a  
18  preschool disabilities grant and residential and  
19  reintegration grant, and those are state categorical  
20  grants, so those are outside of the QBE special education  
21  funds that go out.

22                Our office does not manage that. That's more  
23  global, and we don't really have anything to do with --  
24  with QBE. We have -- we manage the state categorical  
25  grants specific to special education and then any federal

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1 grants specific to education. So that would be your IDEA  
2 Part B, 611 and 619 grants. We do not manage Part C  
3 grants and any sub -- sub awards that we -- that come out  
4 of that, such as the high cost grant.

5 Q Okay. I understood most of that.

6 The one piece I'm still missing is, are the  
7 state categorical grants, they are not federal funding  
8 then? Or they are, but they are outside of IDEA?

9 A The state categorical grants are not federal  
10 funding.

11 Q Okay.

12 A And I really did leave off the GNETS funding,  
13 is the one I couldn't think of we have. Yeah, GNETS, a  
14 state grant for LEAs and a federal grant. And that is --  
15 the federal part is coming out of IDEA funds.

16 Q Okay. Does your office deal with Title I funds  
17 at all?

18 A The Office of Federal Program does but not the  
19 special education, the school unit.

20 Q So Office of Federal Programs is -- is --  
21 includes the special education division but also includes  
22 other sections that do other federal programs?

23 A That's correct.

24 Q Okay. So OFP handles Title I funds, but your  
25 division does not?

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1 A Yeah.

2 Q Title VI funds?

3 A No.

4 Q Do you know if OFP does, or you just know that  
5 your office doesn't?

6 A I know that our office does not.

7 Q Okay. And if the state got extra funds through  
8 ESSA or CARES or ESSER II, did your office deal with them  
9 in any way?

10 A Yes. There -- we did deal with ARP funding  
11 that came as IDEA funding, but there's a separate office  
12 that deals with CARES and ESSER and ARP. It's not us.

13 Q Okay. So just -- just the ARP funding that  
14 came as IDEA funding?

15 A Yes.

16 Q Okay. Does your office deal with any SAMHSA  
17 funding?

18 A Not currently.

19 Q Has it -- it has in the past?

20 A It has in the past.

21 Q And what changed about that?

22 A The organizational structure. The structure of  
23 the organization.

24 Q So who deals with SAMHSA funding now within the  
25 Department of Education?

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1 A It is in the Office of Whole Child.

2 (Court reporter clarification.)

3 Q BY MS. TAYLOE: And is that -- so that's within  
4 the Department of Education?

5 A Yes.

6 Q Is it its own office or is it in another?

7 A It's its own office.

8 Q Okay. And what is that office geared toward?

9 A Supports for whole child. I shouldn't say that  
10 probably. It -- it looks at various attributes for what  
11 a student may need, to my knowledge. I'm not in that  
12 office, so...

13 Q Okay. Are you familiar with Project AWARE?

14 A Yes.

15 Q What -- what do you know about Project AWARE?

16 A It is for mental health services. I believe  
17 it's the same thing as the SAMHSA grant.

18 Q So would that be an example of something that  
19 had previously been handled through your office but now  
20 it's done with the Office of Whole Child?

21 A Yes, that's correct. I imagine that Project  
22 AWARE is -- that may be the Georgia name and it falls  
23 under the SAMHSA grant.

24 Q That's correct. I will just say that.

25 Are you familiar with the System of Care grant?

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1 A No.

2 Q Okay. Do you know who -- do you know the name  
3 of anybody in the Office of Whole Child who might be able  
4 to -- who might be the one likely to deal with the  
5 Project AWARE funding?

6 A Well, Justin Hill is the director, and he has  
7 been over people who have supervised that grant all along  
8 the way, so he would know.

9 Q Okay. So you don't --

10 A I believe.

11 Q I'm sorry. So you don't deal with anybody in  
12 that office on this grant?

13 A No.

14 Q Okay. Do you --

15 A Can I clarify that?

16 Q Sure.

17 A Since grants left our office, they may ask me,  
18 hey, what's a function code or object code or something  
19 like that with just administrative questions. But if you  
20 are asking if I make decisions about any of those funds  
21 or manage them in any way, I do not. But, you know, we  
22 interact as colleagues.

23 Q Sure. But you -- you don't coordinate to see  
24 like if they are giving this money or, you know, should  
25 we adjust this because of that, or there's no -- nothing

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1 like that?

2 A No, nothing like that.

3 Q Are you familiar with -- or I won't say that.

4 Does your office deal in any way with Department of  
5 Education's magnet schools, the assistance program funds?

6 A No.

7 Q Community development block grants?

8 A No.

9 Q Okay. Does your office handle any other kind  
10 of federal legislative or agency grants or funding that  
11 you can think of that we haven't discussed?

12 A We partner closely with the state personnel  
13 development grant. It is also under the Office of Whole  
14 Child. It used to be under our office, and so my team  
15 has reviewed things surrounding that grant before. We  
16 also have a federal teacher retention grant. That's all  
17 I can think of.

18 Q And I forgot to ask before. When you said it  
19 used to be under your office, when did this realignment  
20 take place to the Office of the Whole Child?

21 A Very recently it went to the Office of the  
22 Whole Child. Probably two or three months ago, maybe.  
23 It left our office and went to curriculum and  
24 instruction, and then it moved to the Office of the Whole  
25 Child.

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1 Q Within the two or three months, or the two or  
2 three months was the most recent of those?

3 A Two or three months was the most recent.

4 Q When did it leave your office and go to  
5 curriculum and instruction?

6 A I cannot recall.

7 Q Years or --

8 A Yeah, it was years ago. I can tell you it was  
9 before the pandemic.

10 Q That's a good landmark.

11 A My life is pre or post.

12 Q Things marked pre or post.

13 Okay. Do you know what prompted the  
14 restructurings?

15 A I don't.

16 Q Okay. And then the federal teacher retention  
17 grant and the state personnel development grant, how are  
18 those funds used?

19 A The state personnel development grant has been  
20 used to support MTSS. It -- I heard the announcement  
21 that we received a new award, and I believe those are  
22 awarded for up to five years. I don't know what the new  
23 award is, but I know that it is in conjunction with the  
24 teacher retention grant, so -- but I don't know  
25 specifically what the new award would be about. Like I

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1 didn't read the grant application or anything.

2 Q Yeah. And just for the record, MTSS is  
3 Multi-Tiered Systems of Support?

4 A Yes. I'm sorry.

5 Q That's fine. I just want to make sure we have  
6 it down.

7 And who are the teachers who are eligible for  
8 these grants for retention and development?

9 A It would be specific -- so the teacher  
10 retention grant, we've used it in a variety of ways. We  
11 are training leaders, so we're training teachers and  
12 we're training principals to know how to retain teachers  
13 and giving them supports. Part of that grant is to allow  
14 literacy and math across the state, specifically with the  
15 focus on students with disabilities, but a focus on all  
16 students so that we can reach all tiers. I don't believe  
17 that teachers specifically receive part of that grant.

18 Q Okay. That's helpful.

19 Just a few more. Is Department of Education  
20 involved in any Medicaid payments made for services  
21 provided in schools, to your knowledge?

22 A Not to my knowledge. I don't know.

23 Q Okay. So the funding that we've talked about  
24 that comes to the state from the federal government, do  
25 those all come in connection with some restrictions on



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1 use?

2 A Can you ask that again?

3 Q So like I know IDEA says this money is to the  
4 State's -- to be used in, and then there is certain like  
5 ways it's meant to be used, like it's for special  
6 education and there might be further restrictions on  
7 that.

8 Is that true for all the federal funding, or is  
9 it sort of just a block grant and you can do with it what  
10 you want?

11 A To my knowledge, any federal grants that we've  
12 ever received had a special purpose. And specific to  
13 IDEA, there are things within the grant application that  
14 we are supposed to spend the money on and we budget for  
15 and that we're allowed to spend the money on.

16 Q Okay. So these would all be at least specific  
17 to special education because they are coming to your  
18 division?

19 A Yes.

20 Q And there might be some further restrictions  
21 beyond that as well?

22 A There could be, yes.

23 Q Okay. But not necessarily?

24 A But not necessarily.

25 Q Okay. And then any restrictions like that

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1 would also be passed on to any sub grantees?

2 A Yes.

3 Q In connection with any allocations?

4 A Yes.

5 Q It sounds like you want to qualify that. Do  
6 you want to explain something that I said that isn't  
7 quite right?

8 A I don't know what you mean by "restrictions."

9 Q So if a grant -- if federal funds come to the  
10 state with a limitation on what they can be used for and  
11 then allocations are made to LEAs, the LEAs can't just  
12 put that money all in a big bucket; they still have to  
13 follow the same rules, whatever the original funding was  
14 designated for?

15 A Yes, that's correct.

16 Q Okay. And does your office handle the some  
17 funds get allocated to RESAs instead of LEAs, or does it  
18 always go to LEAs?

19 A Some funds are -- RESAs can be fiscal agents,  
20 so yes, some funds could get allocated.

21 Q So do your funds always get allocated to fiscal  
22 agents? Because some LEAs --

23 A When you say "your funds," what do you mean by  
24 "your funds"?

25 Q Well, the way you just corrected that, when I

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1 said sometimes it goes to RESAs, you said yes, because  
2 RESAs can be fiscal agents. So I don't know if money can  
3 only go to fiscal agents, or does it sometimes go to  
4 entities that aren't fiscal agents?

5 A I don't know if they can be or they can't be.  
6 Anyone who would receive a grant would be a fiscal agent.  
7 We sub grant mostly to LEAs, unless it's a specific  
8 grant, and then it -- a fiscal agent could be an LEA or a  
9 fiscal agent could be a RESA or a --

10 (Court reporter clarification.)

11 THE WITNESS: I'm trying to think of what I  
12 want to say.

13 It could -- my definition of fiscal agent is  
14 someone who manages the grant that they receive, so.

15 Q BY MS. TAYLOE: Oh, so by that definition,  
16 anybody who receives a grant is a fiscal agent?

17 A Yes.

18 Q Okay. Okay. And so in the case of GNETS, I  
19 know that fiscal agents can be LEAs or RESAs, and they  
20 would be the ones receiving the GNETS grant?

21 A Correct.

22 MS. TAYLOE: Okay. Then I would like to  
23 introduce as Exhibit 583 a -- an earnings sheet.

24 (Plaintiff's Exhibit 583 was marked for  
25 identification.)

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1 Q BY MS. TAYLOE: This is a document that I'm not  
2 going to ask you to verify any of the numbers.

3 A Okay.

4 Q I just want to know how an earnings sheet like  
5 this works.

6 A Okay.

7 Q Let me know when it's accessible to you.

8 A It is accessible to me. It's very tiny.

9 Q Yeah.

10 A I'd like to zoom. I'm hesitant to do so, but I  
11 will try. Yeah, okay. Let me see if I can get it  
12 centered. Okay, I think I can see it good enough.

13 Q Okay. Have you seen a document like this  
14 before?

15 A Yes.

16 Q Does your office produce documents like this?

17 A No.

18 Q Do you know who does?

19 A Budget services.

20 Q And -- and who --

21 A No, I don't know who does. It was my  
22 imagination.

23 Q Is budget services an office of GaDOE?

24 A Yes.

25 Q But you're not sure they are the ones that do

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1 it?

2 A I don't know who creates this.

3 Q Okay. Okay. And I just want to sort of  
4 understand the different parts of it. So can you walk me  
5 through how the QBE is calculated or how QBE earnings is  
6 calculated from the FTE?

7 A No.

8 Q That's not part of -- because someone else  
9 prepares this and -- and because that includes not  
10 special ed funding, so that's not part of your work?

11 A That is not part of my work. I'm sorry for  
12 nodding.

13 Q Okay. Are you familiar -- so this chart on  
14 the -- in the "Direct Instructional Costs" column has a  
15 few lines. Part way down it says, "Students with  
16 Disability, Category I through V."

17 A Yes.

18 Q Do you see that?

19 A I see it.

20 Q Are you familiar with those categories?

21 A I'm familiar with them.

22 Q Can you tell me what those categories are?

23 A No, I don't remember the -- what the specific  
24 categories are. My knowledge of these categories mostly  
25 come from way back in the school districts based on what

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1 I reported as a teacher, not in my role at the Department  
2 of Education.

3 Q Okay. Are you suggesting -- so you're saying  
4 that your information from this comes from your teaching  
5 time, not at the --

6 A That's correct.

7 Q Do you know, is -- do you know who establishes  
8 the categories there?

9 A No. I don't know who establishes the  
10 categories.

11 Q Okay. Are you familiar with the multipliers  
12 used for special education students to determine funding?

13 A Yes and no. I have seen them, but I cannot  
14 speak to them.

15 Q Okay. Can you describe generally the purpose  
16 of the multipliers?

17 A To my understanding, it would be to generate  
18 funding for students based on their disability.

19 Q Okay. Okay. I had a number of questions I was  
20 going to ask about this document, but since you're not  
21 familiar with it, I'm curious who -- do you know who --  
22 since you don't know what division does it, do you know  
23 who would be able to speak to these -- this calculation,  
24 these earnings calculations?

25 A No, I don't know. I don't think just one

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1 person could.

2 Q Because you don't know which office generates  
3 them?

4 A I don't know which office generates them.

5 Q Okay. And I assume you also are not familiar  
6 with the state -- this is at a county level. You are not  
7 familiar with the state earning sheet either?

8 A I am familiar with it. I see it. Just like I  
9 see these LEA applications. I'm familiar to the extent  
10 that if an LEA asked a question and -- and we -- in my  
11 previous role, I did get questions about this, if -- you  
12 know, should we spend money from the state dollars or  
13 should we spend money from the federal dollars and, you  
14 know, I could speak to federal allowability because we  
15 managed the IDEA funds. So that made me familiar with  
16 this document, because a lot of time special ed directors  
17 would pull this document up and say, this is how much we  
18 get. What should we be spending out of this, and what  
19 should we be spending out of, you know, this over here?  
20 And there are some things that are not allowable with  
21 IDEA funds and some things that are allowable with IDEA  
22 funds.

23 So, you know, to -- my experience would be  
24 globally more should you spend state dollars on this;  
25 should you spend federal dollars on this. Not, how was

1 this generated. Should you spend, you know, these  
2 particular dollars, you know. I would tell directors  
3 that they have some flexibility in these funds. If  
4 students with disabilities need additional funding,  
5 whether it's state or federal, you are required to meet  
6 their needs. So it doesn't matter what the sheet shows.  
7 You must meet their needs.

8 So those would be the type of questions that I  
9 would handle. So that makes me familiar with this  
10 document on that kind of level.

11 Q Okay. So more it's been presented to you with  
12 questions than you are involved with the production of  
13 it?

14 A That's correct.

15 Q Okay. Okay. I want to back up for a second,  
16 because you mentioned 611 funding before when we were  
17 talking about different federal grants. Can you tell  
18 me -- or federal sources of funding. Can you tell me  
19 what 611 funds are?

20 A Yes. 611 funds are IDEA Part B funds that are  
21 for 3 to -- students with disabilities that are 3 to 21  
22 in age.

23 Q And what are they used for?

24 A They are used for the excess cost of special  
25 education for students with disabilities.



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1 Q How is it different from other IDEA funds?

2 A It is -- it's the big formula grant. It's the  
3 biggest. 611 funds encompass the LEA funds and the SEA  
4 funds that we receive at the state as a pass-through  
5 agency. It is the IDEA funding.

6 Q Okay. So there's not another IDEA funding?  
7 The 611 funds are the IDEA funds?

8 A They are the Part B IDEA funds for 3 to 21.

9 Q Is that an IDEA Part A?

10 A There is a Part A and a Part C. I don't know  
11 anything about Part A. Part C we do not manage, nor we  
12 are not granted that at our office.

13 Q Do you know who does?

14 A Babies Can't Wait because it's -- it's a baby  
15 grant.

16 Q Okay. And Part A you're -- you know exists,  
17 but you don't know what it's for?

18 A I just think it's Part A of the Individuals  
19 with Disabilities Education Act. I'm not sure that there  
20 is funding attached.

21 Part B, IDEA funds are the funds that we  
22 manage, and we manage 611 and 619. And 619 is for ages 3  
23 to 5, and 611 is for ages 3 to 21. Those are formula  
24 education grants.

25 Q Okay. That's very helpful. Thank you.

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1 Is there an IDEA capacity building grant?

2 A Not anymore.

3 Q Okay. What was that for?

4 A It was a sub grant for assisting with  
5 graduation. It was -- we used it for our state systemic  
6 improvement plan. We granted it out as a sub grant.

7 Q And when did that stop?

8 A I believe 2020 or 2021 even. I don't recall.

9 Q And do you know why it stopped?

10 A Yes. It stopped because when we originally  
11 started the grant, it was based on data in our SSIP,  
12 which is our State Systematic Improvement Plan for  
13 graduation, and it -- it was never meant to be a  
14 long-term grant. It was to build capacity at the  
15 beginning, and we always messaged the plan for  
16 sustainability. In the grant we had specific things that  
17 LEAs could spend, and it was directly related to  
18 graduation.

19 Q Okay. So it was set for a certain term, and  
20 that term expired and it was not extended, the idea being  
21 that they were sustainable by then?

22 A Yes. I mean, we had the ability to make the  
23 decision every year, but as the data improved, certain  
24 LEAs would no longer get the grant. It was always meant  
25 to build their capacity to carry on this work for

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1 graduation within their local agencies, so...

2 Q So since that was an IDEA grant, did -- did  
3 IDEA stop -- I'm sorry, did the federal government stop  
4 offering it, or did Georgia just no longer take it or did  
5 Georgia use it for different purposes?

6 A It was a grant within our IDEA funds that we  
7 received, part of our IDEA discretionary grant, so  
8 Georgia made the decision to give the grant. It didn't  
9 come -- it wasn't -- the decision wasn't made by the  
10 federal government.

11 Q So in your discretionary funds, that's what  
12 Georgia chose to spend it on?

13 A Yes.

14 Q Okay. And do you know what those funds are  
15 being spent on instead now?

16 A I know what our IDEA funds are being spent on,  
17 but I don't think it's like a swap, like we freed up this  
18 and now we have this.

19 Q What kinds of things are the discretionary  
20 funds spent on now?

21 A GNETS and GLRS, which is our regional technical  
22 assistance, professional development, teacher retention,  
23 and other various allowable things that's in our grant  
24 application, including our state staff in special  
25 education.

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1 Q What do you mean "state staff"?

2 A Like I'm funded out of that grant.

3 Q Okay. And then is there something called Rule  
4 10 special education funding?

5 A It's a state interagency grant.

6 Q It's state?

7 A Yes.

8 Q Okay. And what interagency, what is -- well,  
9 let me start with, what is Rule 10 special education  
10 funding for?

11 A Rule 10 special education funding is for -- to  
12 help students continue to have education even when they  
13 move to a crisis stabilization center.

14 Q To provide the services?

15 A For special education.

16 Q In the crisis stabilization unit?

17 A No, to provide special education services to  
18 make sure we have a continuous -- we're continuously  
19 providing services. And by we, I do not mean we. I  
20 shouldn't have said it. I mean the -- the students still  
21 have a right to receive special education services even  
22 when they are in a crisis stabilization center, so it  
23 would be wherever that unit is, the LEA -- where that  
24 unit or hospital is would provide the special education  
25 services. So it's just a little additional funding for

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1 them to be able to continue those services.

2 Q Understood. And you said it was an interagency  
3 grant. What are the other agency -- agency or agencies  
4 involved?

5 A Sure. It's given to the Department of  
6 Education, but it's really meant for other state agencies  
7 even though we sub grant out to LEAs.

8 The DBHDD -- and I'm not sure what the acronym  
9 stands for other than it's like the Department of  
10 Health -- has chosen not to receive that funding. They  
11 let us manage it to -- to just give to the LEAs where the  
12 crisis stabilization units are.

13 And then DOC and DJJ and GVRA, those are other  
14 state agencies who receive that funding.

15 Did you ask me who received the funding?

16 Q I did, and now I'm trying to keep up with  
17 the -- I'm looking to see what she has there.

18 So DBHDD is Department of Behavioral Health and  
19 Developmental Disabilities?

20 A Yes.

21 Q And DOC, you said that's Department of  
22 Corrections?

23 A Yes.

24 Q And DJJ? Department of --

25 A Department of Juvenile Justice.

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1 Q And GVRA?

2 A GVRA, Georgia Vocational Rehabilitation.

3 Q Okay. So the money is given to the LEAs where  
4 the crisis intervention units are housed, and they  
5 dispense the money however to the agent -- those  
6 cooperating agencies?

7 A No. Did you --

8 Q I'm sorry, what do they do with the money then?  
9 I don't understand how the different agencies are  
10 involved.

11 A Okay. The agencies aren't -- are not involved  
12 to the extent that they don't receive the funds. It's  
13 just additional funds to support special education  
14 students who may go to one of these other state agencies  
15 temporarily.

16 Q All right. So that money goes to the LEAs  
17 where those units exist?

18 A Yes and no. It goes to LEAs -- it does not go  
19 to DBHDD. DBHDD said -- I don't know what they said.  
20 DBHDD does not take the money. We give what should go to  
21 DBHDD to LEAs instead of sending it to DBHDD. Because  
22 from my understanding, DBHDD would just have to turn  
23 around and give it to the LEAs anyway, because the LEAs  
24 are the ones who continue to have to support the  
25 students.

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1           So we do grant it out to Department of  
2       Corrections --

3           Q    I see.

4           A    -- DJJ and GVRA. We do not give it to DBHDD  
5       because that would just be ridiculous, kind of.

6           Q    I see. But so the LEAs use the funding to  
7       provide services to students who are sort of receiving  
8       services from those other agencies?

9           A    Yes.

10          Q    Got it. Okay. Thank you.

11          A    You're welcome.

12          Q    Okay. So I think we've covered a lot of  
13       federal funds. I want to just talk briefly about local  
14       funds. I assume -- I'm not going to assume.

15               Does your division have any involvement in LEA  
16       contributions to special education services?

17          A    What do you mean?

18          Q    Do you -- are you involved at all -- are you  
19       aware of the amounts of money that local educational  
20       agencies are paying in support of special education  
21       services?

22          A    I am not aware of the amounts that they are  
23       paying.

24          Q    Is your office aware of which LEAs are making  
25       any payments or contributions?

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1 A Possibly, but I'm not.

2 Q Who -- who would be?

3 A I don't know.

4 Q Okay. So there is no structure in place that  
5 would allow you to look up how much LEAs are paying for  
6 the special education funding for students in their  
7 districts?

8 A Not for me. I could ask, but I haven't.

9 Q Okay. Does the State partially fund district  
10 transportation services through categorical grants?

11 A I don't know.

12 Q Okay. So is any part of the State's award of  
13 special education funding to an LEA impacted by any  
14 contributions the LEA may be making?

15 MS. JOHNSON: Object to form.

16 You can answer.

17 THE WITNESS: Okay. I -- I don't know what --  
18 who or what contributes from the local level. I know  
19 that my communication -- and I can only speak to my own  
20 communication -- is if a student has a need, you have to  
21 provide that need. So the only -- to answer your  
22 question, I only know to the extent that LEAs do and  
23 sometimes, you know, provide additional money for what's  
24 needed.

25 Q BY MS. TAYLOE: So if one LEA is, you know,



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1 maybe a higher wealth area and they are able to  
2 contribute more than a lower wealth LEA, the State's  
3 funding doesn't take that into consideration and try to  
4 make up for the difference for the lower income LEAs?

5 MS. JOHNSON: Object to form.

6 You can answer.

7 THE WITNESS: That's not what I'm over. I'm --  
8 we don't do that with IDEA funds, no. We follow formula.

9 Q BY MS. TAYLOE: Okay. Are you familiar with  
10 the formula?

11 A The IDEA formula?

12 Q Uh-huh.

13 A Yes.

14 Q Could you describe the IDEA formula to me?

15 A I can. I do not calculate it, so it's just  
16 what I'm familiar with. It -- there is a base  
17 calculation that's in statute, and we receive a document  
18 from the federal government, and it shows us what our  
19 base calculation should be. And then the rest of the  
20 formula is all about population of poverty. And it's the  
21 total population in the school districts, not special  
22 education population. And poverty is calculated along  
23 the lines of what Title I is calculated -- or how Title I  
24 is calculated. We use their poverty formula, because  
25 it's up to the states on how to define poverty. And so,

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1 yes, poverty is a factor in the IDEA formula.

2 Q And when you talk about population, not special  
3 ed population, does that mean allocations of IDEA funds  
4 are based on an LEA's FTE count?

5 A It's based on an overall student count, yes.

6 Q Overall student count. And is that the -- does  
7 the October and March count -- days counts?

8 A Yes. It would be October.

9 Q Is that weighted? Oh, just the October one?

10 A Just the October one goes into the IDEA federal  
11 formula. I can't speak to what other counts go for.

12 Q Okay. So it's not weighted; it's just however  
13 many students are counted that October, that's the --  
14 that's the number used for the formula?

15 A Yeah.

16 Q Okay.

17 A For IDEA funds specifically.

18 Q Okay. So now I want to -- that's sort of good  
19 background on special education funding. Now I want to  
20 talk about GNETS funding in particular.

21 A Okay. Can I have a break?

22 Q Sure. That's fine.

23 THE VIDEOGRAPHER: We are off the record at  
24 10:49 a.m.

25 (The deposition was at recess from 10:49 a.m.

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1 to 11:03 a.m.)

2 THE VIDEOGRAPHER: Back on the record at 11:03  
3 a.m.

4 Q BY MS. TAYLOE: Okay. We were about to start  
5 talking about funding for GNETS program in particular.

6 A Okay.

7 Q Do you have a sense of -- is most of the  
8 funding for GNETS federal money, state money or local  
9 money?

10 A Most of the funding from GNETS comes from state  
11 money.

12 Q Okay. What part of it is from federal funding?

13 A I -- I don't know what you mean.

14 Q Some of the IDEA funds?

15 A Yes.

16 Q Go to GNETS?

17 A Yes.

18 Q Okay. Is that -- let's back up and do some  
19 terminology. What -- you've heard before just  
20 discretionary funds. Could you say what discretionary  
21 funds are?

22 A Yes. Can I re -- back up to the question you  
23 asked me prior?

24 Q Sure.

25 A When I said most of the GNETS funding came from

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1 state, I was envisioning what we allocate from the  
2 Department of Ed. I do not know how much of the GNETS  
3 funding come from local funding. I do know it's expected  
4 that students' needs are met regardless, and these  
5 students do belong to an LEA. So to that extent, I'm not  
6 sure about local.

7 Now I'm ready for the next question.

8 Q Okay. So I was asking -- you referred before  
9 to discretionary funds, and I'm asking if you can tell me  
10 what that means.

11 A Okay. Yes. So we have SEA funding that we get  
12 from IDEA. There is an administrative portion, and then  
13 there's a maximum available we can take for -- set aside  
14 for specific purposes, and that is what we call our  
15 discretionary funding from IDEA.

16 Q What is the administrative IDEA funding for?

17 A The administration of the grant.

18 Q Okay. And so -- and that amount is set by the  
19 federal government?

20 A Yes.

21 Q Okay. And so anything that's not in the  
22 administrative portion is discretionary?

23 A Anything that's not in the administrative  
24 portion and that's not in the formula maximum amount, we  
25 are supposed to send to LEAs. The rest of that is SEA

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1 set aside discretionary funding, yes.

2 Q And the LEA formula is a part, you told me  
3 before, that's based on FTE. And so you get a chunk of  
4 money from the federal government for IDEA. Some of it  
5 is designated by the government as administrative. From  
6 the rest, the formula is applied, and that amount is  
7 given to the LEAs.

8 A Okay.

9 Q And the rest of that is -- is discretionary?

10 A Yes. No. But, okay, so when we get our grant  
11 award, we are told how much is supposed to go to LEAs, so  
12 that's automatically right off the top. That amount is  
13 going to be going out.

14 Then we have the option of taking  
15 administrative funds. And on our grant application, we  
16 have to say, are we going to take administrative funds  
17 and how much. So those are the admin funds.

18 And then what's left over is there's a funding  
19 table that it's kind of like a -- I wouldn't call it a  
20 flowchart, but it's an "if then." If you are going to  
21 administer a high cost grant, you may take this much in  
22 state initiative funding or state discretionary funding.  
23 We -- we use those terms interchangeably. You know, if  
24 you don't take a high cost grant, then this much would be  
25 available. Or if you have chosen to take more than

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1 \$850,000 in administrative funds, then this much would be  
2 available.

3 So it's a chart that tells us what we can take  
4 based on decisions that we make, and that is what's our  
5 state initiatives or discretionary funding.

6 Q Okay. Thank you. That's helpful.

7 And then from that initiative or discretionary  
8 funding, the state chooses to allocate some of that to  
9 the GNETS program?

10 A That is correct.

11 Q Okay. And you've used the term "flow through"  
12 also. What does that mean?

13 A We are considered a pass-through agency, so we  
14 flow money to others. That's what I mean by  
15 flow-through. I don't know if it's a legal term.

16 Q So it just means the -- the federal money comes  
17 to your office, and you flow it through to the LEAs or  
18 the -- or the RESAs?

19 A Yes. I wish I didn't say it, but yes.

20 Q Okay. Is there some money that's not  
21 flow-through?

22 A Yes.

23 Q What is not flow-through?

24 A Our administrative funds stay with us. Part of  
25 our state initiative funds stay with us to pay for state

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1 initiatives that we administer from the state.

2 Q Okay. We will come back to that.

3 Okay. And then we've talked a little bit  
4 before about indirect costs, but I'm not clear on what  
5 counts as indirect costs.

6 A I don't remember talking about indirect costs.

7 Q Are you familiar with the concept of indirect  
8 costs?

9 A Yes.

10 Q Could you just tell me what are indirect costs?

11 A Indirect costs are costs that are allowable in  
12 federal grants, depending on certain situations, that you  
13 may take; that it's basically -- my understanding is it's  
14 the cost of doing business.

15 And so I can give you an example. If you have  
16 a specific percentage you are allowed to take in indirect  
17 costs based on what your indirect cost plan is in an LEA  
18 or an SEA, and based on that percentage, you can spend it  
19 on the costs that it -- are incurred from administering  
20 the grant. So it may be the light bill, for example.

21 Q Is it things that nonbudget folks might refer  
22 to as overhead?

23 A I don't know what nonbudget folks would  
24 refer -- would say, but I imagine it could be.

25 Q Okay. Okay. And I think you said before, you

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1 talked about different kinds of grants, formula grants.

2 What are the other kinds of grants?

3 A Competitive grants.

4 Q And can you tell us about competitive grants?

5 A In general?

6 Q What they are.

7 A Okay. Competitive grants are grants that  
8 someone, an entity, organization or person may apply for  
9 that's competitive. So they may, you know, submit a  
10 grant application and hope to win the award over other  
11 people.

12 I don't know the official definition of  
13 competitive grants, but that's what I believe they are.

14 Q Do you know, generally, is there a pot of money  
15 that people are competing for a portion of or is there a  
16 competitive grant that you might get money that you don't  
17 have to fight others for?

18 MS. JOHNSON: Object to form.

19 You can answer.

20 THE WITNESS: I'm not sure.

21 Q BY MS. TAYLOE: Let me rephrase that so it's --  
22 are there some competitive grants that there is a -- a  
23 distinct amount of money that is all that's going to be  
24 available no matter how many people apply, or is there  
25 some that you can -- a competitive grant and just see if



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1 you can get money awarded in response to the competitive  
2 grant?

3 MS. JOHNSON: Object to form.

4 You can answer.

5 THE WITNESS: In the world I believe that there  
6 are, but not any that I manage.

7 Q BY MS. TAYLOE: Does your office deal with any  
8 competitive grants?

9 A Not the special education office.

10 Q Okay. So the grants that your office deals  
11 with are all formula grants?

12 A Yes.

13 Q Okay. And the GNETS grant is, therefore, a  
14 formula grant?

15 THE REPORTER: What was your answer? I'm  
16 sorry.

17 THE WITNESS: It's a formula grant.

18 Q BY MS. TAYLOE: And who created the formula?

19 A I don't know.

20 Q How does the allocation come to your office?

21 A How do you mean?

22 Q I'm sorry, how do you become aware of how much  
23 each LEA or each fiscal agent is entitled to under the  
24 formula?

25 A Now Vickie Cleveland sends it to our budget

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1 team.

2 Q And who is Vickie Cleveland?

3 A She is the program manager over GNETS at the  
4 Georgia Department of Education.

5 Q Okay. So Vickie Cleveland either gets it from  
6 somewhere else or generates it, presumably, and sends you  
7 the amount allocation under the formula grant?

8 MS. JOHNSON: Object to form.

9 You can answer.

10 THE WITNESS: That is the current procedure.  
11 She gets it from someone else.

12 Q BY MS. TAYLOE: Do you know who she gets it  
13 from?

14 A I believe she gets it from Geronald Bell, but I  
15 am not certain.

16 Q And you said before he switched jobs, but you  
17 think even in his new capacity he still does this  
18 allocation?

19 A Yes, I believe so.

20 Q Do you know the kinds of financial or in-kind  
21 contributions that LEAs provide to GNETS programs?

22 A I know examples.

23 Q Okay. What are the examples you are aware of?

24 A Sometimes it's buildings. Sometimes it's a  
25 position. Sometimes it's actual dollars.

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1 Q And when you say "a position," what do you  
2 mean?

3 A It could be a teaching position or a  
4 psychological position. It could be a job, a position  
5 that someone would hold as a job.

6 Q And does that mean they provide services there,  
7 or they actually send a person to the GNETS site?

8 A They would send the person to the GNETS site or  
9 they could provide services there. I've seen it both in  
10 the budgets that come through.

11 Q So you -- how do you see that when the budgets  
12 come through?

13 A I do not see that anymore, but I did. We would  
14 approve those LEA grants that came through for GNETS, and  
15 so we would see what they would budget to be spent on  
16 GNETS programs.

17 Q So the LEA budget that you would see would  
18 include local contributions?

19 A Oh, I'm sorry. No, it wouldn't include local  
20 contributions.

21 Q Is there any matching required by the LEA for  
22 any state funds?

23 MS. JOHNSON: Object to form.

24 THE WITNESS: For some state funds.

25 Q BY MS. TAYLOE: Which state funds?

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1 A I don't know. All of the state funds that have  
2 matching requirements.

3 Q Are there special ed -- special education funds  
4 that have matching requirements?

5 A Yes.

6 Q Does the IDEA require matching funds?

7 A No.

8 Q Which special education funds require matching?

9 A Okay. I'm going to answer this in two parts.  
10 I know specifically that the residential and  
11 reintegration grant requires -- currently requires  
12 matching funds. The IDEA does have a supplanting test,  
13 so I know that. You have to maintain your state and  
14 local effort in order to receive IDEA funding, but I  
15 wouldn't characterize that as matching.

16 Q Are you familiar with the 2010 audit that the  
17 State did of the GNETS program?

18 A No.

19 Q Have you heard of it?

20 A I've heard of it.

21 Q But you are not familiar with any of the  
22 recommendations or conclusions contained in it?

23 A No.

24 Q Has it ever been discussed --

25 A I'm not sure. I'm not sure.

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1 Q Has it ever been discussed at any of the  
2 special education team meetings?

3 A There was a time that we discussed things,  
4 recommendations for GNETS, and perhaps it was based on  
5 the audit you are referring to, and that's when I say I  
6 don't know. I know we discussed improvement.

7 Q What -- have there been any steps identified to  
8 take to implement that improvement?

9 A I know that there have been steps. I do not  
10 know what they are.

11 Q How do you know there have been steps, then?

12 A Because they previously would discuss taking  
13 steps, but I never knew if they got -- we -- we stopped  
14 talking about GNETS, so, in the leadership meetings.

15 Q When -- when did leadership stop talking about  
16 GNETS?

17 A I couldn't tell you a specific date.

18 Q Months ago? Years ago?

19 A Years ago.

20 Q Do you know why?

21 A It's just not a topic in -- in our program  
22 manager leadership meeting. I believe there's another  
23 meeting that discusses GNETS.

24 Q Who is in that meeting?

25 A I'm not sure.

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1 Q What makes you think there's another meeting?

2 A I see a GNETS meeting on my director's calendar  
3 because I have access to her calendar.

4 Q And the director is Wina Low -- Low?

5 A Low, yes.

6 Q And so you know that she is at least attending  
7 these meetings, but you don't know who else is attending  
8 with her?

9 A No.

10 Q So the special education services and supports  
11 team meets regularly, but for the last several years has  
12 not discussed GNETS?

13 A We discuss things that could include GNETS  
14 students. We -- we discuss services and supports for all  
15 special education students across the state, which would  
16 include GNETS students, but we do not discuss the GNETS  
17 programs specifically in our leadership meetings.

18 Q Okay.

19 A Some things may come up, like can you meet with  
20 the GNETS, you know, directors to discuss what's  
21 allowable in federal funding. And I know that I used to  
22 attend those, and now our program manager attends those.

23 That's to the extent that GNETS may come up,  
24 but we don't discuss GNETS programming in our leadership  
25 meetings.

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1 Q But you don't discuss GNETS budgeting either?

2 A No, I don't discuss GNETS budgeting.

3 Well, tell me what you mean by that.

4 Q So when you have -- you said depending upon  
5 where you are in the budget cycle, you may have different  
6 things come up, and someone will set the agenda and we'll  
7 talk about that at a given meeting. Would there ever be  
8 a time when the GNETS budget or the GNETS grant  
9 applications or allocations or something come up, you  
10 wouldn't talk about those?

11 A Yes. So let me clarify. If something comes up  
12 about GNETS funding, it's normally, is the GNETS board  
13 item ready to take, you know. I can explain that  
14 process. I don't have any discussion about what the  
15 funding would be. I may receive the calculation and help  
16 create the board item to approve GNETS funding for my  
17 team, because they're going to be approving the  
18 individual GNETS budgets, which is the process I  
19 discussed earlier.

20 Q Okay. Okay. We can talk about that when we  
21 talk about the budget process.

22 A Okay.

23 Q All right. Could you give us a ballpark  
24 estimate on how much the state spends annually on special  
25 education services and supports?

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1 MS. JOHNSON: Object to form.

2 You can answer.

3 THE WITNESS: I don't know how much the state  
4 spends annually on services and supports.

5 Q BY MS. TAYLOE: Go ahead.

6 A We do have to put our maintenance and fiscal  
7 support on our grant application that has an aggregate  
8 total, and I just can't recall what that aggregate total  
9 is.

10 Q Okay. Do you have a ballpark estimate about  
11 how much the state spends annually for GNETS, a GNETS  
12 program?

13 A Yes.

14 Q What is that?

15 A 65 million. That would be a ballpark. I know  
16 it changes from year to year.

17 Q And when it changes from year to year, is it  
18 staying roughly within that, or is it trending one way or  
19 the other?

20 A I'm not sure.

21 Q Okay. I think this is actually a good time to  
22 talk about the budget process then, since we started into  
23 that. Could you walk us through generally the process by  
24 which the -- the budget item for GNETS is reached and any  
25 involvement your office has in that?



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1           A    I can walk you through the involvement I have  
2   in it, which is receiving the allocations once they are  
3   determined, and either helping to prepare or reviewing  
4   documents for the GNETS board item that goes before the  
5   State Board of Education.

6           Q    Okay. Can you help me orient that? Because I  
7   thought -- well, tell me what the GNETS board item is.

8           A    It's a document that explains what GNETS is  
9   about and what the funding would be used for, and it  
10  shows the state and federal GNETS funding that we  
11  allocate from the Department of Ed.

12          Q    So that comes after the budget has been set?

13          A    It comes after the budget has been set. Then  
14  the State Board of -- that is a process that I'm not  
15  overseeing. Budget development or the State of Georgia,  
16  any -- anything that involves with State of Georgia  
17  appropriations, I don't -- I don't handle that. So I  
18  think that would be our budget services team.

19                I only receive once the allocations are made.  
20  That's -- that's when I receive the documents. And now I  
21  receive them from Vickie. I used to receive them from  
22  Geronald Bell.

23          Q    Okay. I'm trying to understand the State Board  
24  item role, then. So it's after the budget and after the  
25  allocations, or after the budget but before the

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1 allocations?

2 A So we haven't allocated it out to the LEAs yet,  
3 but it's for the State Board of Education to approve that  
4 we will allocate it out. But the budget itself has  
5 already been created, and the draft or preliminary  
6 allocations have been created in some way, and then our  
7 office gets it, and then we take it to the State Board of  
8 Education for approval to be allocated out.

9 Q And so are they approving the budget amount,  
10 the allocations to the regional programs, or both?

11 A I'm not sure. I believe they are approving  
12 what the Department of Education would grant out.

13 Q So that's the State level?

14 A Yes, the State Board of Education.

15 Q And so what the state would grant out would be  
16 to the fiscal agents?

17 A Uh-huh. Yes.

18 Q So they are approving the allocations, then?

19 A Yes, they are approving the allocations.

20 Q Okay. And so your involvement with the board  
21 item is what?

22 A My current role is to read all board items for  
23 grammar and language and make sure there are no mistakes.  
24 I don't create very many board items anymore in my  
25 current role. But in the past, I would create -- you

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1 know, there's several templates in that process, and I  
2 may create a template or add to a template. But it  
3 does -- it's not decision-making. It's just typing in  
4 information into templates for board approval.

5 Q And does that include typing in the financial  
6 information, or is that already in there when it gets to  
7 you?

8 A It's already in there when it gets to me.

9 Q Who does it come from?

10 A Geronald Bell in the past or Vickie Cleveland.  
11 But I'm not sure who creates the document or who makes  
12 the allo -- determinations of allocations to begin with.  
13 Specifically the state. I -- to my extent of knowledge  
14 for the -- how much federally we allocate, it would be --  
15 I don't make any decisions, but I am told how much is  
16 needed because I do the grant application for IDEA. So I  
17 am able to, you know, put that in -- in our budgeting  
18 document that we prepare for the grant application.

19 Q Are you familiar with the GNETS formula?

20 A I am not familiar with the GNETS formula. I  
21 have seen it, but I couldn't repeat it to you.

22 Q Okay. Have you seen -- I know you're not --  
23 you said you're not involved in the preparation, but have  
24 you seen the budget when it comes out?

25 MS. JOHNSON: Object to form.

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1 THE WITNESS: Which budget?

2 Q BY MS. TAYLOE: The State Appropriations Bill?

3 A I have seen the State Appropriations Bill.

4 MS. TAYLOE: Okay. I'm going to ask to have HB  
5 911 marked as Exhibit 584.

6 (Plaintiff's Exhibit 584 was marked for  
7 identification.)

8 Q BY MS. TAYLOE: Can you see it on your screen?

9 A I can see it.

10 Q Okay. Do you have control?

11 A Yes, I think so. It's not moving. Hold on one  
12 second.

13 Okay. Yes.

14 Q Okay. So this is a really, really long  
15 document.

16 A Yes.

17 Q This is a good one to have electronically. I  
18 want to see if you can turn to page 61. If you can  
19 search, it would be easier to search, but you are looking  
20 for Section 24.

21 A Okay. Yes, I'm there.

22 Q Okay. And do you recognize this as the HB 90  
23 -- 911 is the appropriations bill for the fiscal school  
24 year -- I'm sorry, the fiscal year '22/'23?

25 A Yes.

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1 Q Okay. Do you see the entry in line 1813 for  
2 total funds is 12 million, 800 -- I'm sorry,  
3 \$12,825,676,638?

4 A Yes.

5 Q Is that the total amount of appropriations for  
6 the special education department?

7 A I don't know.

8 Q For the Department of Education generally?

9 MS. JOHNSON: Object to form.

10 THE WITNESS: I don't know.

11 Q BY MS. TAYLOE: Okay. Let's go a few -- you  
12 see right underneath the line 1820, it says, "The formula  
13 calculation for Quality Basic Education funding assumes a  
14 base unit cost," and it has a number there?

15 A Yeah.

16 Q Are you familiar with that?

17 A I'm -- what do you mean by "familiar"?

18 Q With the base unit cost concept?

19 A The concept, yes.

20 Q What is the base unit cost?

21 A That is a per pupil on cost based on a 9th  
22 grader, typical 9th grader, 9th grade student.

23 Q And is that the base that is multiplied by  
24 different variables depending upon different factors,  
25 like level of school and special needs and things like

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1 that?

2 A That's correct, to my understanding.

3 Q Okay. Do you know who sets the base unit cost?

4 A I do not.

5 Q Okay. And -- and you said before you don't  
6 know how the QBE is funded by FTE. Do you know who does  
7 know that?

8 A I don't know who knows -- who does it.

9 Q Okay. All right. Let's go a few more -- well,  
10 in my case, pages. If you can scroll down to section  
11 24.8.

12 A Do you know what page number?

13 Q Well, it's right below line 1918.

14 A I went way too far.

15 Q I actually want to start a little before that  
16 anyway. If you can go to line 1913.

17 A Okay. I see it.

18 Q Okay. So 24.7. 24.7 section is "Federal  
19 Programs," correct?

20 A It says that, yes.

21 Q Do you see the number of total funds in line  
22 1913 is \$1,195,922,003?

23 A Yes.

24 Q Is that the amount for special education  
25 funding, or is it federal programs that includes things

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1 beyond special education?

2 MS. JOHNSON: Object to form.

3 THE WITNESS: I don't know.

4 Q BY MS. TAYLOE: Okay. This is the -- the  
5 Education -- Department of Education part of the bill,  
6 and the federal program is part of this -- of the  
7 Education bill. So would this be money that would be  
8 handled by your division?

9 MS. JOHNSON: Object to form.

10 THE WITNESS: I'm not sure. It could be. I  
11 don't interface with this document very much.

12 Q BY MS. TAYLOE: Okay. And then below that  
13 where it says 24.8 is the start for the Georgia -- the  
14 GNETS program?

15 A Yeah.

16 Q Okay. And in line 1919, it has total funds of  
17 \$65,427,745; is that correct?

18 A Repeat the total again.

19 Q 65,427,745.

20 A Yes, that's correct.

21 Q Okay. Can you read the section that says  
22 "Purpose" right under 24.8?

23 A Yes.

24 Q Please.

25 A "The purpose of this appropriation is to fund

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1 the Georgia Network for Educational and Therapeutic  
2 Support (GNETS), which provides services, education, and  
3 resources for students ages 3 to 21 with autism or severe  
4 emotional behavioral problems and their families."

5 Q Is that, to your understanding, an accurate  
6 description of the GNETS program?

7 MS. JOHNSON: Object to form.

8 You can answer.

9 THE WITNESS: It seems to be a broad statement  
10 of what GNETS does.

11 Q BY MS. TAYLOE: Is your understanding that  
12 GNETS continues to serve people age 3 to 21?

13 A I believe that -- no, I do not believe that  
14 GNETS continues to serve ages 3 to 21.

15 Q What ages do you think it serves?

16 A I don't recall, but I believe we changed that a  
17 few years ago to 5 or 6.

18 Q Okay. And when you say "we," who is "we"?

19 A The Georgia Department of Education.

20 Q Okay. And does it serve students with autism  
21 or severe emotional behavioral problems?

22 MS. JOHNSON: Object to form.

23 THE WITNESS: I don't know.

24 Q BY MS. TAYLOE: Okay. And that's -- that's  
25 what's -- sorry. And what about "and their families"?



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1 MS. JOHNSON: Object to form.

2 Q BY MS. TAYLOE: Does the GNETS program also  
3 serve their families?

4 MS. JOHNSON: Object to form.

5 THE WITNESS: I -- what do you mean by "serve"?

6 Q BY MS. TAYLOE: I'm just -- that isn't the  
7 purpose of this appropriation is for that, so I'm  
8 wondering if that's, in your experience, what the funding  
9 is going for?

10 A It says, "Provides services, education, and  
11 resources," and it has been my experience that they do  
12 provide services, education, or resources for students  
13 and their families.

14 Q Okay. And then if you can look at line 1932,  
15 please.

16 A Okay. I'm doing it slowly --

17 Q Yeah.

18 A -- so I don't pass it.

19 Q Do you see there's a line item there that  
20 discusses transferring the funds from the GNETS program  
21 to the QBE program, but it has a zero funding level  
22 attached to it, or zero --

23 A Yeah, I see that.

24 Q Do you understand what this entry means?

25 A I don't understand what this entry means.

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1 Q Had you -- were you aware of any discussions to  
2 restructure the way the GNETS program was funded?

3 A I'm aware that there were discussions, but I  
4 wasn't involved in them.

5 Q What was your understanding of the proposal?

6 A My understanding of the proposal, the way I  
7 found out, was through stakeholders that called me to  
8 say, do I understand the proposal? Which the answer was,  
9 no, I don't know anything about it.

10 Q What do you mean by "stakeholders"?

11 A Special ed directors, members from the Georgia  
12 Council of Special Ed, G-CASE. They thought that I would  
13 know, and I did not.

14 Q Okay. And what was the -- so do you have any  
15 understanding of what the substance of the proposal was?

16 A I don't have any understanding of what the  
17 substance of what the proposal was because I was not in  
18 any of the discussion. People who called to ask  
19 questions feared that funding would be taken away, and I  
20 had -- this is the first time that I'm even seeing this  
21 in the bill because I don't interface with the  
22 appropriations bill very much.

23 Q So when people, stakeholders called expressing  
24 concerns about funding being taken away, did you ask any  
25 questions of anybody?

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1 A Yes.

2 Q What -- who did you ask?

3 A I asked my director.

4 Q And what did she say?

5 A She doesn't know.

6 Q And did she ask anybody?

7 MS. JOHNSON: Object to form.

8 THE WITNESS: I don't know who she asked -- if  
9 she asked anybody. I'm sorry. I don't know.

10 Q BY MS. TAYLOE: That's okay.

11 So did you -- from any other source, did you  
12 learn anything more about the proposal?

13 A No. I didn't learn anything more about the  
14 proposal.

15 Q What did you report back to the stakeholders?

16 A That I didn't know.

17 Q Okay. And then in the line below that, 1933,  
18 it says, "The Department of Education is directed to  
19 evaluate, in consultation with stakeholders, the Georgia  
20 Network for Educational and Therapeutic Support (GNETS)  
21 program to provide strategic statutory recommendations  
22 and funding formula updates to the Office of Planning and  
23 Budget, the House Budget and Research Office, and the  
24 Senate Budget and Evaluation Office by November 1st,  
25 2022."

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1 Do you see that?

2 A I see it.

3 Q Are you aware of any actions taken in  
4 connection with that instruction?

5 A I'm not directly aware of any of this. I was  
6 asked if I have consulted with anyone, and I said no, I  
7 have not.

8 Q Who asked you that?

9 A Geronald Bell.

10 Q And are you aware of any steps taken to prepare  
11 a responsive evaluation?

12 A After Geronald Bell asked, I asked my director,  
13 and she said that would be handled -- it was her  
14 understanding that it would be handled by the policy  
15 division, and so she did not know anything else about it.

16 Q The policy division is a division of GaDOE?

17 A Yes.

18 Q And did anyone from the policy division reach  
19 out to you --

20 A No.

21 Q -- about this?

22 A No.

23 Q Anyone in your division, as far as you are  
24 aware?

25 A No. No one reached out to me.

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1 Q I'm sorry, did anyone in the policy division  
2 reach out to anyone else in your division that you're  
3 aware of?

4 A I'm not aware of if they did.

5 Q Okay. So we read before that the total funding  
6 there for this school year is \$65 million, which is close  
7 to what you -- consistently what you said before.

8 A Correct.

9 Q Does this refresh your recollection as to  
10 whether that amount is kind of consistent or has it  
11 changed over time?

12 A Can I scroll back up?

13 Q Uh-huh.

14 A I think it's lower than it has been in the  
15 past.

16 Q And why do you think that is?

17 MS. JOHNSON: Object to form.

18 THE WITNESS: I don't do the calculation, so I  
19 don't know.

20 Q BY MS. TAYLOE: Let's take a look at line 1930.

21 A Okay.

22 Q Do you see that? Okay. It says, "Reduce  
23 formula funds for enrollment and training and experience  
24 decline."

25 Can you explain that?

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1 A I can't explain it other than what it says. I  
2 mean, I feel like I understand what that's saying.

3 Q Okay. What do you understand that to be  
4 saying? I'm not -- just to get it on the record.

5 A Sure. "Reduce formula funds for enrollment and  
6 training and experience decline." To me, that says that  
7 enrollment would have gone down. And training and  
8 experience, the number of teachers reported for T&E, or  
9 training and experience, would have declined.

10 Q Are you familiar with the T&E component of  
11 salaries?

12 A I -- I think I have a basic understanding of  
13 what it is.

14 Q And what is that?

15 A T&E is based on the number of years in -- that  
16 you have in education and based on the higher degree.  
17 It's based on your degree status or professional degrees  
18 that you have. They go into that calculation.

19 Q Okay. So this entry suggests that due to lower  
20 number of students enrolled in GNETS and less-experienced  
21 or lower-degreed teachers results in a decline in the  
22 funding there?

23 MS. JOHNSON: Object to form.

24 THE WITNESS: It would suggest that. That  
25 would be what I would think it would mean.

1           When special education directors talk to me  
2   about training and experience in overall state funds and  
3   not about GNETS funds, we talk to them about this  
4   periodically, because we have to -- whether it's state  
5   funds or whether it's IDEA funds, if someone is trying to  
6   decrease their maintenance of effort that they need for  
7   IDEA funds, one of the ways that they can do that is if  
8   they've -- if a teacher has retired and another teacher  
9   comes in with a lower degree or brand-new fresh out of  
10  college, then they could, you know, offset those  
11  expenditures from the retired teacher with a retired  
12  salary may be making to what the new teacher would be  
13  making.

14           So when I talk to people about training and  
15  experience, it's not my experience that -- or my  
16  professional judgment that training and experience is  
17  necessarily sub training, but it just means that it could  
18  be someone out of college that's going into this  
19  calculation versus someone who just retired with higher  
20  degrees.

21           Q   BY MS. TAYLOE: Can you explain -- you  
22  mentioned the maintenance of effort in offsetting. Can  
23  you explain that, please?

24           A   Maintenance of effort for LEAs, basically, the  
25  IDEA -- there are two supplanting tests for IDEA, and

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1 it's maintenance of effort and excess cost. And so the  
2 maintenance of effort is basically maintaining your state  
3 and local effort for students with disabilities, and  
4 you -- and LEAs would want to maintain that effort to be  
5 eligible to receive IDEA funding.

6 Q So how does that play out if you have a  
7 experienced teacher leaving and you were saying  
8 offsetting something?

9 A Yes. So if you had -- let's say you had five  
10 special education teachers that worked in your district,  
11 and three of those special education teachers were  
12 retiring and their salary and benefits were a hundred  
13 thousand dollars, and you hired three new teachers and  
14 their salary and benefits were \$75,000, you wouldn't be  
15 lowering services for special education students; you  
16 would simply be offsetting those costs.

17 So the teacher would still be credentialed.  
18 The teacher would still be able to provide those services  
19 and could effectively manage that classroom, but you  
20 would be able to lower your effort or the maintenance of  
21 effort because you are still having five teachers, you  
22 know, but they just don't cost as much. So then we  
23 wouldn't expect you to be paying as much for special  
24 education services.

25 And, I mean, I don't have a lot of experience



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1 with training and experience as it involves QBE or FTE,  
2 but I have conversations with people about their  
3 maintenance of effort and, you know, training and  
4 experience in -- in that manner. So my professional  
5 judgment, even though there's a decline there, it  
6 wouldn't suggest to me that the credentialed special  
7 education teacher wasn't there. It would just --  
8 perhaps, could be a new teacher.

9 Q Do you have -- in the GNETS context in  
10 particular -- and I appreciate, that was -- that was  
11 helpful. That was not in the GNETS context.

12 In the GNETS context, how does -- does a  
13 decline in T&E affect the funding of a GNETS program?

14 MS. JOHNSON: Object to form.

15 THE WITNESS: This document suggests that it  
16 does, yes, but I don't do the calculation for GNETS, so I  
17 don't know for sure.

18 Q BY MS. TAYLOE: And in the budgets that you've  
19 reviewed for GNETS programs, how does T&E affect funding  
20 there?

21 A When they're -- they're sending a budget,  
22 they're just telling us at that point what they're  
23 funding out of that budget, so it could be salaries or  
24 positions. They don't talk about T&E within the budgets  
25 that we're reviewing.

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1 Q Okay. That's right. Because you are reviewing  
2 the budgets that they are sending in, not the allocations  
3 that are going out?

4 A That's correct.

5 Q Okay. And then one last question on this  
6 section. Line 1931, "Increase funds to offset the  
7 austerity reduction for GNETS grants," could you explain  
8 that?

9 A I can't explain it.

10 Q Were there austerity reductions across the  
11 special education budget any years?

12 A I -- it's been my experience that there's been  
13 an austerity reduction every year in the GNETS  
14 calculations.

15 Q What is an austerity reduction?

16 A I'm not sure.

17 Q Okay. I want to back up for a second to the  
18 question I asked you earlier about the line 1933, about  
19 the evaluation. Has that instruction been included in  
20 previous bills that you're aware of?

21 A I have not seen all of the appropriation bills,  
22 so I wouldn't know.

23 Q When -- I think you said your director reached  
24 out to you about -- yeah, I'm sorry, Geronald Bell asked  
25 you if you consulted with anyone about it. When was

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1 that? Was that recently?

2 A Yes.

3 Q Okay. So you think it was in connection with  
4 this bill?

5 MS. JOHNSON: Object to form.

6 THE WITNESS: I believe that it was.

7 Q BY MS. TAYLOE: And he had never asked you a  
8 question like that before?

9 A He had never asked me a question like that  
10 before.

11 Q Okay. Okay. So I think we're -- I'm going to  
12 stop sharing this. I am done with that.

13 Okay. So I wanted to learn more about after  
14 the budget has been set, how the allocations are made,  
15 but I feel like I'm -- I'm asking you questions that are  
16 not in your realm, so I'm going to try to streamline this  
17 a little bit.

18 Oh, you mentioned before about GLRS. Could you  
19 tell me what that is, please.

20 A We do use a lot of acronyms. Georgia Learning  
21 Resource Services, I think.

22 Q Okay. And what do -- what does that group,  
23 organization do?

24 A Sure. They provide technical assistance and  
25 professional development across the state of Georgia.

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1 Q To whom?

2 A To LEAs and teachers.

3 Q And are they specifically with special  
4 education services or are they all kinds of?

5 A They are specifically with special education  
6 services.

7 Q Okay. And so they are funded through a grant,  
8 you said?

9 A They are funded through contracts.

10 Q Contracts. With the state?

11 A With the state, uh-huh.

12 Q What is their involvement, if any, with GNETS  
13 programs within their regions?

14 A I am not sure what -- how -- to what extent  
15 GLRS is involved with GNETS. What I do know is that we  
16 have collaborative community meetings with GLRS, and the  
17 GNETS directors are invited. So GNETS directors would  
18 have every available resource and opportunity that any  
19 special education director has in the state of Georgia,  
20 and that would include access to GLRS services and  
21 resources.

22 Q And who -- you said collaborative community  
23 meetings?

24 A Yes. So there are collaborative community  
25 meetings where the GLRS holds community meetings with

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1 their special education directors as part of ongoing T&E  
2 and professional development, and GNETS directors would  
3 be included in that, for the regions. It's a  
4 regional-based thing.

5 Q So GNETS directors are invited to attend the  
6 meetings with the special ed directors?

7 A Yes.

8 Q Okay. Is that the same as an LEA  
9 collaborative?

10 MS. JOHNSON: Object to form.

11 THE WITNESS: It could be. I'm not sure.

12 Q BY MS. TAYLOE: Okay. I have a document later.  
13 When we reach there --

14 A Okay.

15 Q -- I will ask.

16 Why don't -- let's go off the record.

17 THE VIDEOGRAPHER: Off the record at 12:01 p.m.

18 (The deposition was at recess from 12:01 p.m.  
19 to 12:41 p.m.)

20 THE VIDEOGRAPHER: Back on the record at 12:41  
21 p.m.

22 Q BY MS. TAYLOE: Hi.

23 A Hi.

24 Q So can you just confirm that you have control  
25 of the document that my colleague has shared?

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1 A Huh-uh. No. I can see it, but I don't have  
2 control of it. I can tell it's like a screenshot versus  
3 like I can't do the...

4 Q Well, while Sandra is working on giving you  
5 control, let me mark this as Exhibit 585.

6 (Plaintiff's Exhibit 585 was marked for  
7 identification.)

8 Q BY MS. TAYLOE: And it is document Bates  
9 stamped GA04957978. And this is an e-mail, a June 2018  
10 -- I'm sorry, 2018 e-mail to you, Vickie Cleveland -- let  
11 me make sure I have the right one. I'm sorry.

12 MS. TAYLOE: Can we go off the record. I'm  
13 sorry.

14 THE VIDEOGRAPHER: Off the record at 12:42 p.m.  
15 (The deposition was at recess from 12:42 p.m.  
16 to 12:47 p.m.)

17 THE VIDEOGRAPHER: Back on the record at  
18 12:47 p.m.

19 Q BY MS. TAYLOE: Okay. So we've got a temporary  
20 workaround for the document sharing, and the witness has  
21 before her Exhibit 585 and is going to indicate when she  
22 wants to scroll up or down or zoom or whatever to be able  
23 to review it.

24 I'm not sure what's showing on your screen.  
25 Can you see that it's a June 20 -- June 2018 e-mail?

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1 A Yes.

2 Q And it's to you, Vickie Cleveland, and Jacqie  
3 Neal?

4 A No. It's to Denise Peterson.

5 MS. JOHNSON: It's "Karen Flowers," is the  
6 e-mail subject line.

7 MS. TAYLOE: Oh, gosh. I told you the --  
8 Okay. Can we go off the record?

9 THE VIDEOGRAPHER: Off the record at 12:48 p.m.  
10 (The deposition was at recess from 12:48 p.m.  
11 to 12:49 p.m.)

12 THE VIDEOGRAPHER: Back on the record at 12:49  
13 p.m.

14 Q BY MS. TAYLOE: Okay. Sorry about that.  
15 Can you now see the document we have up is a  
16 June 2018 e-mail to you, Jacqie Neal, and Vickie  
17 Cleveland?

18 A Yes.

19 Q Who is Jacqie Neal?

20 A I believe she was a GNETS director.

21 Q Okay. And who is -- and it's from Fran  
22 Whitfield; is that correct?

23 A It's from Fran Whitfield, yes.

24 Q Do you know who that is?

25 A I believe she's a special ed director.

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1 Q Okay. And can you tell me what this e-mail is  
2 about? And you can direct -- ask Sandra to scroll up if  
3 you need some more.

4 A Yes, could she scroll down. That's it. That's  
5 good. Okay.

6 Q What is the e-mail about?

7 A It's about her GNETS grant application. It  
8 looks to be an e-mail that's just explaining that she's  
9 uploaded documents that were needed, any Assurances.

10 Q So is June the time of the year that  
11 applications are generally due?

12 A Yes.

13 Q And are they normally e-mailed to you?

14 A No.

15 Q How are they normally submitted?

16 A They are submitted through the consolidated  
17 application.

18 Q Is that a -- a mechanism or a --

19 A It's -- yes, it's a online grant application  
20 platform that the DOE, Georgia Department of Education,  
21 created to intake grant applications.

22 Q Is that similar to or the same thing as what's  
23 sometimes referred to as the portal?

24 A It's within the portal.

25 Q It's within the portal?



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1 A Uh-huh.

2 Q Sub entities in the portal?

3 A Yes. That's correct.

4 Q Okay. And do you know why she e-mailed these  
5 to you?

6 A I do not know why she e-mailed -- would e-mail  
7 these to me.

8 Q Okay. Can you explain -- she's mentioned that  
9 she attached a bunch of documents. Could you tell us  
10 what the attachments are called?

11 A The e-mail states that they are called the  
12 GNETS grant application, the GNETS crisis management  
13 plan, the restraint plan, the fire and tornado plans, and  
14 emergency management plan. And then she says she will  
15 upload the GNETS Assurances.

16 Q Okay. Are all these part of the GNETS grant  
17 application?

18 A I -- I can't say that -- what's required in  
19 totality, because my team and myself back in the day, we  
20 only were concerned about the budget. So, for instance,  
21 I did not review the GNETS crisis management plan or the  
22 restraint plan or the fire and tornado or the emergency  
23 management plan. My -- my role and my team's role was  
24 strictly the funds.

25 Q Okay. So did you review any portions that she

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1 submitted?

2 A I can't recall if I reviewed any of those  
3 things, but I probably wouldn't have because most of that  
4 does not fall within my purview, except for the funding  
5 portion. So everything I review or my team reviews is  
6 online. So there -- there would have been really no need  
7 for her to copy me to this e-mail.

8 Q And you said the part you did review would be  
9 the funding portion. Where would that be found?

10 A In the consolidated grant application that we  
11 have with the DOE.

12 Q So not in the grant application that she  
13 attached here but in the portal, the consolidated  
14 application?

15 A That's correct.

16 Q There. Okay.

17 And then she also mentions -- I am going to  
18 need you to scroll down. There's an indirect cost letter  
19 and the budget?

20 A Uh-huh. I see that.

21 Q Are -- are those also part of the GNETS grant  
22 application?

23 A It -- possibly. So this would have been  
24 outside the scope of -- of what my -- my role is, really,  
25 for -- to be receiving an e-mail like this. So I was

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1 never involved in the programmatic sense of GNETS grant  
2 applications. We really just looked at the funding and  
3 reviewed things for allowability, sometimes like indirect  
4 costs and things like that. But we review all of those  
5 online, so I think this was an over -- just to be sure on  
6 her part, probably, to include me on this.

7 Q Okay. But the indirect cost letter and the  
8 budget would fall outside the scope of your review?

9 A I would review the budget but not in any  
10 attachment. Our formal sign-off application is online,  
11 so this would not be considered a formal sign-off for me.

12 Q Okay.

13 A We have an audit trail that shows that all the  
14 appropriate people have signed off, and so this would not  
15 be formal for me. It may have been for other people.

16 Q Do you know if there is any step in between --  
17 like when you are looking at the budget information  
18 online, are you looking at the way it was submitted, or  
19 is there some kind of consolidation or organization that  
20 that's what you are looking at?

21 MS. JOHNSON: Object to form.

22 THE WITNESS: What do you mean by  
23 "consolidation or organization"?

24 Q BY MS. TAYLOE: Do you think you're looking at  
25 the same document just online or is it somehow processed

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1 or organized before you see it?

2 A Okay. Yes. It -- it definitely is processed  
3 or organized before I see it.

4 Q Okay. What does that process entail?

5 A I don't know all of it because I'm not involved  
6 in it, but I do know that when I was hired, the -- the  
7 totality of the GNETS program used to be managed by the  
8 person who came before me, Harry Repsher, and Sandra  
9 DeMuth. And then when I became on board as a research  
10 specialist, the then director at the time, Debbie Gay,  
11 said, you won't really be reviewing anything that has to  
12 do with GNETS applications other than the funding part.

13 So I do know that there's a process. And  
14 occasionally GNETS directors would say, hey, this was  
15 part of our allocation document or our, you know, budget  
16 that we needed approved -- approved -- approval for, and  
17 I -- and Sandy DeMuth would always tell me, I've  
18 approved it, you know, and now they're ready for the  
19 budget. And my role was strictly reviewing the budget  
20 once it's in the consolidated application.

21 Q I see. So it was your understanding that  
22 Harold Repsher and Sandy DeMuth used to look at more  
23 parts of it, and then you are only looking at the budget  
24 parts, or was somebody else? I wasn't sure what you are  
25 were saying changed when Sandy DeMuth left?

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1           A     Yeah, I'm not sure what -- what each one of  
2     them did. I think they worked maybe in conjunction, or  
3     maybe they didn't. But Sandy DeMuth was the GNETS  
4     contact at the time, so she would be in close contact  
5     with Harry. And all I know is from the training that I  
6     received from Harry was that, hey, Sandy will, you know,  
7     let you know if she has any questions, and then this will  
8     be the part you're handling.

9           And then at some point, you know, as I was  
10    learning my job, I was trying to figure out what do I  
11    need to review, and Debbie was like, this is not your  
12    role. You are just reviewing what comes into the budget,  
13    so...

14          Q     So does somebody take the applications and put  
15    it into a form for you? Or I'm still trying to figure  
16    out what's different from what's submitted and what you  
17    are reviewing.

18          A     I don't know all of the procedures that happen  
19    before it gets to me, but when it gets to me, it is a --  
20    it's not necessarily a form. The consolidated  
21    application is -- I don't know how to describe it. So  
22    basically, you can pick the grant that you are receiving  
23    in the consolidated application and say, you know, I want  
24    to manage this grant, if you are the user. And then you  
25    would type in what you want to spend in the grant, and it

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1 will automatically populate based on the allocations that  
2 were approved by the State Board. You are receiving  
3 \$50,000, and so then you would budget that \$50,000 based  
4 on function codes and object codes and a description.

5 And so that is what I would be reviewing,  
6 specifically what's in the budget, what they are spending  
7 their money on. And it's not a separate attachment or a  
8 separate form.

9 Q That's very helpful. Okay. I understand that  
10 now. Thank you.

11 A Uh-huh. Yes.

12 MS. TAYLOE: Okay. Sandra, could you share tab  
13 29, please.

14 Q BY MS. TAYLOE: And let me know when it's up.

15 A It's up.

16 MS. TAYLOE: And I'd like to mark as Exhibit  
17 586 a document Bates stamped GA00031045.

18 (Plaintiff's Exhibit 586 was marked for  
19 identification.)

20 Q BY MS. TAYLOE: And are you familiar with this  
21 type of document, Ms. McCollum?

22 A Yes. This is the consolidated application.

23 Q Okay. That's what I thought. Okay. And so  
24 earlier when you said you review the budget portion of  
25 the application and it comes to you, is this the format

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1 it comes in?

2 A It comes in this format, but this I can tell  
3 was printed off of the online budget. And it comes to me  
4 online. It doesn't come to me in a -- in a document like  
5 this. This is an attachment. The application allows you  
6 to print off the budget, and so it looks like someone has  
7 printed this budget off.

8 Q Okay.

9 A From the application.

10 Q So these are the fields and the kinds of  
11 entries --

12 A Yes.

13 Q -- and things that you see when you review it?

14 A This is exactly what we see.

15 Q Okay. Do you know who prepares this?

16 A No. It -- no, I don't.

17 Q So somehow between what's submitted, whether by  
18 a person or a program, is generated -- generates a form  
19 like -- or a field view like this?

20 A That's correct. I -- when you say do I know  
21 who prepares it, I don't know who prepared this specific  
22 thing. There's an audit trail that says who entered this  
23 information and signed off. I don't know who told that  
24 person anything, but there is an audit trail, so --

25 Q Okay.

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1 A -- I would know.

2 Q And is that audit trail you are referring to,  
3 is that what shows at the top where it says, for  
4 instance, "superintendent signed off"?

5 A Yeah, that's the final status, but there's a  
6 separate tab for an audit trail that shows who signed off  
7 and when they signed off.

8 Q Okay. So does the fact that this says  
9 "superintendent signed off" mean this is -- what does  
10 that tell us about where it is in the process?

11 A It would say that the -- that the  
12 coordinator -- and when I say coordinator, I'm talking  
13 about a term only in the consolidated application. They  
14 could be anybody. It could be a -- whoever has been  
15 granted access to enter it. So it could be a special ed  
16 director. It could be a budget person that they've  
17 dedicated to do this. But when I see this status, I know  
18 that whoever is in the coordinator role would have signed  
19 off, and then whoever is in the superintendent role would  
20 have signed off, and then it's ready for a program  
21 manager sign-off role.

22 Q And then after the program manager sign off,  
23 are there further reviews?

24 A Yes. It goes to -- at this point, it went to  
25 grants accounting in the Georgia Department of Ed.



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1 Q Okay.

2 A So there is two sign-offs in the Georgia  
3 Department of Ed.

4 Q Okay. Is that it in terms of reviews? And  
5 after that, the money is available -- it's been fully  
6 allocated?

7 MS. JOHNSON: Object to form.

8 THE WITNESS: It is available for drawdown if  
9 there has not been a revision on it. So there is still  
10 additional approvals that would go once you go to  
11 drawdown funds, and that's handled in grants accounting.

12 Q BY MS. TAYLOE: Okay. Is grants accounting not  
13 your division?

14 A No. I know.

15 Q Just when I thought I understood.

16 Okay. In this document, it has a number for  
17 allocation, total grant award, and total budgeted funds  
18 for this fiscal year that are all the same number.

19 A Uh-huh.

20 Q Can you explain what each of those means and  
21 what might make them different in some -- in some cases?

22 A Yes, I can. So the allocation is the  
23 allocation that they have received. It's like the  
24 original allocation.

25 Okay. The total grant award would be the

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1 original allocation -- which maybe I should say original  
2 allocation -- plus any additional allocations that  
3 they've received, plus any carryover that they had from  
4 the prior year. The total grant award would be the sum  
5 of those top three columns.

6 And then the total budgeted funds for the  
7 fiscal year would be what you've budgeted down below in  
8 those budget details that you see down below. So, for  
9 instance, if you budgeted only 1.5 million, then you  
10 would see the other 377,000 over there on that column  
11 where it says, "Not Budgeted Funds."

12 So basically, the total budgeted funds are just  
13 a check between what have you done in this budget so far,  
14 what have you budgeted so far. Because, for instance,  
15 you could budget a million dollars and save it and come  
16 back later and budget the rest. And so at -- it would  
17 change back and forth between what you have budgeted and  
18 what you have not budgeted.

19 Q So not budgeted funds, would they be available  
20 later in the year for spending on something that was not  
21 in the original budget?

22 A If anyone sent us a budget that was not  
23 budgeted, we would send it back for revision. So they  
24 would need to budget all of the funds to get final  
25 approval from my team.

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1 Q So was your example if you budgeted a million  
2 and had the rest in not budgeted funds, that was a  
3 hypothetical because that would not be approved?

4 A If they did that and sent it through, at one  
5 point there was a check that prevented them from doing  
6 that; and then it was upgraded, and for a small period of  
7 time they could send us a budget that was not fully  
8 budgeted. And we would say, no, you need to budget all  
9 of the funds.

10 So the total budgeted funds for the fiscal year  
11 and the not budgeted funds for the fiscal year is really  
12 a tool for the user to determine, have I budgeted all the  
13 funds yet that are available to me? So it's more just a  
14 check like you would have in an application to say, hey,  
15 you're not done. You still have this much left to  
16 budget.

17 We wouldn't approve it if there were funds not  
18 budgeted and if we caught it.

19 Q And what time of year would this process be  
20 happening?

21 A It -- it generally starts July 1st, and then  
22 they have until October 1st to submit the budget to us.  
23 But they can still use the funds even back to July 1st,  
24 as long as it's something that we've approved and then  
25 it's allowable.

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1 Q Okay. So they'd have to know by October 1st  
2 how they are going to spend all the money for the year?

3 A Yes. They could have known long before that.  
4 This is just the final document we get for the final  
5 checks. They could have known in the spring.

6 Q Right. But if some need arose midyear, they  
7 wouldn't have budgeted for that?

8 A They could -- you can do an amendment at any  
9 time. So if, for instance, they had something in  
10 December that they needed, they can amend the budget.  
11 And we encouraged them to do that so that we can see  
12 what's coming through.

13 Q And would an amendment mean transferring money  
14 from one account to another, or could it mean adding  
15 money?

16 A An amendment is just a change to the budget, so  
17 it could be a number of things. For example, if you  
18 received your carryover funds, you would do an amendment  
19 to budget the carryover funds. If you wanted to change  
20 anything in the budget, for instance, if you had budgeted  
21 for nine teachers but you ended up hiring ten teachers,  
22 ten teachers and nine paras, so you could say, I need to  
23 do an amendment because we're -- we have hired more  
24 teachers than we thought. So they would do an amendment,  
25 and it would go back through the approval process.

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1 Q How would they -- if they hired a teacher  
2 beyond what they budgeted for, how would that new teacher  
3 be funded if it exceeded the originally allocated amount?

4 MS. JOHNSON: Objection.

5 You can answer.

6 THE WITNESS: I'm sorry, that was just a  
7 hypothetical to tell you how the budget process works.  
8 So they are not going to -- they're not going to be  
9 allowed to budget more than they've been given in the  
10 consolidated application.

11 Q BY MS. TAYLOE: So an amendment would mean  
12 transferring it from one budgeted purpose to the new  
13 budgeted purpose?

14 A Yes. Or if we gave them an additional  
15 allocation, then it could also mean you are going to now  
16 do an amendment to add in these new funds, or if -- and  
17 every year, typically, most get carryover -- I won't say  
18 that. If you have carryover funds from the prior year,  
19 then you would receive your carryover, and then you  
20 would -- after -- after you do a completion report from  
21 the prior year, you would receive carryover funds, and  
22 then you would want to do another amendment.

23 I'm sorry, I feel like I've just described a  
24 really complicated process.

25 Q So even though there is a space for a carryover

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1 in this budget, the carryover funds wouldn't necessarily  
2 appear until later, and that would be a subject of  
3 amendment?

4 A Yes.

5 Q Can you -- can you just describe the carryover  
6 process now, like how much you are allowed to carry over  
7 and what restrictions, if any, are on that?

8 A You -- in GNETS, you may carry over all of  
9 the -- all of the GNETS funding.

10 Q State and federal?

11 A Oh, not state. I'm sorry. No, you may not  
12 carry over state funding. No -- no grants that we  
13 supervise, to my knowledge, you can carry over state  
14 funding.

15 Q Okay.

16 A Because it's a specific fiscal year.

17 Q Is there any limit to the amount of federal  
18 funding that can be carried over?

19 A For what year?

20 Q Does it vary by year?

21 A At one point there was a limit to how much  
22 federal funding we allowed GNETS to carry over, and it  
23 was limited to 25 percent.

24 Q And that's no longer the rule?

25 A That's no longer the rule.

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1 Q When did that change?

2 A I can't -- don't recall.

3 Q Again, recently or long ago?

4 A I would think -- I mean several -- it's a few  
5 years ago.

6 Q Do you know who changed that rule?

7 A I do not recall.

8 Q Was it due to a change in federal carryover  
9 rules or did Georgia change the -- its rules?

10 A No. It was -- I don't know. Georgia made the  
11 decision, but I -- I don't know the reason why.

12 I do know the reason why that the 25 percent  
13 was in there in the first place, and that was to make  
14 sure that all the funds were spent in a timely manner and  
15 so that we could budget appropriately for how much to  
16 spend the next year. But no, I don't know who made the  
17 decision.

18 Q Okay. Okay. Can you -- I'm going to ask you  
19 to scroll through the document, but I know that's hard  
20 now with Sandra doing that for you. But can you guide  
21 Sandra to scrolling through the document for you and  
22 identify which expenses are for therapeutic services?

23 A Okay. Sandra, can you go back to the first  
24 page?

25 MS. JOHNSON: Would it be easier if we go off

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1 the record and switch it back?

2 MS. TAYLOE: That's what I was thinking about.

3 MS. GARDNER WOMACK: That's fine.

4 MS. TAYLOE: Okay. We are off the record.

5 THE VIDEOGRAPHER: Off the record at 1:12 p.m.

6 (The deposition was at recess from 1:12 p.m. to  
7 1:16 p.m.)

8 THE VIDEOGRAPHER: Back on the record at  
9 1:16 p.m.

10 Q BY MS. TAYLOE: Okay. Do you have control of  
11 the document?

12 A Okay. I believe so.

13 Q Okay. Could you scroll through, please, and  
14 identify which expenses are for therapeutic services?

15 MS. JOHNSON: I'm also going to object to form.

16 THE WITNESS: I see a line in function, 2100,  
17 and object, 361 for therapeutic services.

18 I see a line in 2100, 0191 for a program  
19 specialist. I don't know if that person would be able to  
20 provide therapeutic services. I don't know the roles of  
21 some of these individuals.

22 So there's 2210, 191, GNETS coordinators, I  
23 don't know if they provide therapeutic services, but it's  
24 possible.

25 Okay. That's all I see. There -- therapeutic



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1 services could be embedded within other lines, but I'm  
2 not sure.

3 Q Okay. Thank you.

4 And the first one I think you mentioned, was  
5 that 361 object code?

6 A I believe that was the first one I mentioned,  
7 yes.

8 Q Okay. And can you state the amount for that  
9 one?

10 A 47,500.

11 Q Okay. And then after the description, it has  
12 in parentheses "DOE Grant." Do you see that?

13 A Uh-huh. Yes.

14 Q Can you explain why that's there?

15 A No.

16 Q Is all of this part of the GNETS grant?

17 A Yes.

18 Q So does that mean that this is a different kind  
19 of grant?

20 MS. JOHNSON: Object to form.

21 THE WITNESS: I don't know. It could be, but I  
22 doubt it. I mean, we're budgeting for this grant, so the  
23 47,500 would have to be for this grant.

24 Q BY MS. TAYLOE: Okay. And it says this is  
25 to -- or what does "from LPC/LMSW Seat of Resilience

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1 Consulting and Counseling" mean?

2 MS. JOHNSON: Object to form.

3 THE WITNESS: I don't know what it means.

4 Q BY MS. TAYLOE: Do GNETS -- do GNETS programs  
5 sometimes contract with outside providers?

6 A Yes.

7 Q Is that likely what this is, the consulting and  
8 counseling services --

9 MS. JOHNSON: Object.

10 Q BY MS. TAYLOE: -- provider?

11 MS. JOHNSON: Object to form.

12 THE WITNESS: I don't know what they are. I  
13 believe -- I haven't reviewed budgets in a while, so  
14 I'm -- I'm shaky, but I believe all of the 300 object  
15 codes are contractual services, so I would -- it would  
16 lead me to believe that this would be a contract.

17 When we review budgets, we all -- we have the  
18 function, object codes in front of us, so that would be  
19 just based on old knowledge.

20 Q BY MS. TAYLOE: Okay. So subject to your  
21 observation that others may have therapeutic services  
22 embedded within them, we know of 47,500 out of 1.8 --  
23 almost \$1.9 million for this program that is designated  
24 for therapeutic services; is that correct?

25 MS. JOHNSON: Object to form.

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1 THE WITNESS: I don't know what else is  
2 embedded in anyone else's roles or any of that, so there  
3 could be more therapeutic services, but I only see the  
4 word "therapeutic" in that line item.

5 Q BY MS. TAYLOE: Okay. Is there any requirement  
6 when you do your review of this type of document that any  
7 amount be designated for therapeutic services?

8 A We don't make those kind of decisions, so I do  
9 need to back up about the process. We are here, the  
10 budget team -- and I keep saying we, even though I'm no  
11 longer a part of it. I just supervise the manager of  
12 that team. We are here to say, does it look like the  
13 activity that you are doing in this grant is allowable,  
14 if it's a federal grant; and if it's a state grant, we  
15 don't necessarily determine allowability. We are just  
16 looking to see if the function and object codes match  
17 what they're, you know, trying to -- to pay for, and we  
18 make sure that all of the funds are budgeted.

19 All of these costs are reviewed prior coming --  
20 to coming to us, so they would be going to Vickie  
21 Cleveland. So if Vickie tells us that it's okay to  
22 approve it, then we -- the budget unit would look at it  
23 from a fiscal lens, not a -- because we know Vickie has  
24 already, you know, approved it.

25 Q So when you said all of these are reviewed

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1 prior to coming to us, that -- that was what you were  
2 talking about, that that's what Vickie is reviewing?

3 A Yes, she's reviewing it. The process could be  
4 different, since I'm no longer in the unit on a  
5 day-to-day basis, but when I was the manager of the unit,  
6 I had the specialists that are reviewing budgets send a  
7 copy to Vickie before we would ever approve it. So she  
8 would have to consent for approval before we would do our  
9 fiscal lens, so...

10 Q So that was how you did it when you were in the  
11 position?

12 A That's how I did it when I was in the position.  
13 I assume it's going the same way, just because I  
14 supervise Malissa, and Malissa has not requested a  
15 change. But, you know, I don't really want to assume,  
16 but she reports to me, so...

17 Q So before when you said there was a -- I forgot  
18 what you called it, but upward line with a sign-off date,  
19 the trail?

20 A The audit trail.

21 Q Audit trail. So Vickie's sign-off is not an  
22 approved stop on the audit trail but is something you  
23 choose to loop in?

24 A It's we choose to loop it in. It's not a stop,  
25 but that doesn't have anything to do with because it's

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1 not part of the procedure or not. It's because this is  
2 an older application, and there's really only four roles  
3 that the application allows for approval. You can give  
4 read-only rights, but we thought that it was very  
5 important that who -- the person over GNETS needed to  
6 review GNETS, and that began when Nakeba Rahming was  
7 hired.

8 Q And do you know what the -- is it up to Vickie  
9 what she reviews them for, or is there any guidance on  
10 what she is supposed to be reviewing to make sure it was  
11 included or anything like that?

12 MS. JOHNSON: Object to form.

13 THE WITNESS: I wouldn't know what guidance  
14 Vickie has been given.

15 Q BY MS. TAYLOE: Okay. Are you aware of funding  
16 to train educational staff or coordinators of any  
17 therapeutic services?

18 A I am aware of a therapeutic grant that we sent  
19 out for a number of years, but I'm only aware to the  
20 extent that I review -- I generally give one of the final  
21 approvals for board items before they go -- myself or the  
22 director, whoever it is at the time, reviews all the  
23 board items, so I -- I don't know specifically what the  
24 grant would cover.

25 Q Okay. Okay. Stop sharing.

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1 Okay. I'm going to turn now to the student  
2 count for GNETS.

3 MS. TAYLOE: I'd like to mark as Exhibit 587 a  
4 document produced by the State of Georgia, Bates stamped  
5 GA03806083.

6 (Plaintiff's Exhibit 587 was marked for  
7 identification.)

8 Q BY MS. TAYLOE: Can you see it?

9 A I see it. Sorry.

10 Q Okay. And you see an August -- August 2016  
11 e-mail from you to Geronald Bell?

12 A August the 30th, I see -- yeah, 2016, yes.

13 Q Okay. Take a minute to review it, and then let  
14 me know what --

15 A Okay.

16 Q -- it's about.

17 A Okay. I've read it.

18 Q Okay.

19 A Well, it's very long, actually, so let me go --  
20 let me scroll further. I thought it was -- are you just  
21 talking about the 038?

22 Q Yeah, just the e-mail for now. There's an  
23 attachment we will --

24 A Okay. Okay. Now I can go back up. I have  
25 messed myself up. Just give it a second. I have read

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1 the e-mail, so we will see if this...

2 Q Catches up?

3 A Catches up.

4 Q So first, can you tell me why you were sending  
5 this to Mr. Bell?

6 A I'm not sure. Let me see if I can get this  
7 e-mail back in front of me to answer these questions.

8 Are you able to scroll back to the e-mail? No,  
9 it's not. My Internet connection is unstable, it says.

10 MS. GARDNER WOMACK: So you are not seeing this  
11 (indicating)?

12 THE WITNESS: Now I am seeing it. Now I'm off.  
13 It's gone.

14 MS. JOHNSON: You don't see this document?

15 THE WITNESS: Now I see it. It was off. Now  
16 it's back. Okay.

17 Okay. Now could you repeat the question?

18 Q BY MS. TAYLOE: I was curious why you were  
19 sending this to Mr. Bell?

20 A I don't know why I was sending this to  
21 Mr. Bell. There may have been a longer e-mail chain.

22 Q I mean, was he new? I thought he would --  
23 would he have not have known this in his -- in his  
24 position already?

25 MS. JOHNSON: Object to form.

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1 THE WITNESS: He was not new. I don't know  
2 what he would have -- he would have known or not.

3 Q BY MS. TAYLOE: Okay. Why is the FTE count not  
4 used for funding GNETS students as it is for other  
5 students in Georgia?

6 A Okay. I don't make decisions about FTE. I --  
7 I don't know the answer to that. I can only say that I  
8 was -- there's an attachment, clearly, that I'm not  
9 seeing, so I was commenting about that attachment.

10 Q All right. You said you didn't make that  
11 decision. Do you know who does decide things like that?

12 A I don't know who decides things like that.  
13 Will you ask me the first question you asked me  
14 again?

15 Q Why you were sending it to Mr. Bell.

16 A Yeah. I believe I was sending this to Mr. Bell  
17 because of the second to the last sentence, "This  
18 enrollment count is then used to calculate a three year  
19 rolling average."

20 When I came onboard at the DOE, there -- I  
21 understood there to be a three-year rolling average of  
22 student counts, and I kind of inherited all of Harry's  
23 files, so I did not have the same role that Harry did. I  
24 know Geronald's role was to calculate GNETS and things  
25 like this, and so I would sometimes send him documents



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1 that used to be Harry's. So I was probably talking about  
2 that.

3 Q Okay. And you said that you understood there  
4 to be a three-year rolling average. Did that change?

5 A I believe there has been a change to it, but I  
6 can't speak to what it was.

7 Q What makes you think there's been a change?

8 A Because we -- we discussed making a change to  
9 the three-year rolling average.

10 Q Who is "we"?

11 A I discussed it several times to -- to many  
12 people. So I can't say who, but the -- I said I didn't  
13 feel like that the three-year rolling average was a good  
14 indicator of student count.

15 Q Why did you not think it was a good indicator?

16 A The -- I did not think it was a good indicator  
17 because the three-year rolling average, from what I  
18 understood to be at the time, which would be about 2014,  
19 2015, 2016, maybe 2017, it was a -- it's hard to explain,  
20 but it was a rolling, rolling average, which makes no  
21 sense. That terminology makes no sense.

22 But basically, there was a document that had a  
23 rolling average, and then for some reason those averages  
24 were then the three-year count. And I believe I stated,  
25 you are taking three years of averages instead of three

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1 years of counts, you know.

2 Q I do.

3 A So um...

4 Q So -- so you discussed this with several people  
5 that you thought it didn't make sense, and you think  
6 there's been a change?

7 A I think there's been a change until this -- you  
8 forget things until you read it, and yeah, right in front  
9 of you, so I've forgotten about this rolling average.

10 Q And do you --

11 A Until now.

12 Q -- think you would have received notice if the  
13 average had been changed?

14 A I don't think I would have received notice  
15 because I'm not doing the calculation.

16 Q All right. Then what -- is there anything  
17 besides the fact that you had discussions about it that  
18 makes you think there was a change?

19 A I had discussed this with, like I said,  
20 multiple people, including Geronald Bell, and he agreed.  
21 He has a fiscal background, and he agreed, the two of us  
22 agreed that we didn't understand it. So he said he would  
23 talk to people about changing that, and that -- yeah.

24 Q Okay. Okay. Then the attachment to that, now  
25 that you've looked at it before but we didn't read then,

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1 I'm going to ask you a few questions about that.

2 A Okay.

3 Q So if you want to scroll to -- well, first, I  
4 will identify the attachment is -- it's on a Georgia  
5 Department of Education letterhead. It says, "FY2017  
6 GNETS Program Frequently Asked Questions."

7 A Okay. And it's in -- it's in this string?

8 Q It should be, yeah.

9 A Okay. No, it's not scrolling for me.

10 MS. GARDNER WOMACK: Try it again.

11 THE WITNESS: Now it's back to that cross.

12 There -- there it goes. Are you doing it?

13 MS. GARDNER WOMACK: I'm doing it.

14 THE WITNESS: Okay.

15 MS. GARDNER WOMACK: But I don't know why it's  
16 not working on yours.

17 THE WITNESS: Okay. Yeah, I see it.

18 Q BY MS. TAYLOE: Okay. Can we scroll down to  
19 number 3? Okay. Do you see where it says, "GNETS  
20 programs do not meet the definition of a 'school'?"

21 A I see that.

22 Q Okay. And that they are defined as special  
23 entities?

24 A Yes.

25 Q Okay. Do you know why that is?

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1 A I do not.

2 Q Do you know who decided that?

3 A No, I do not.

4 Q Does that have any implication for funding  
5 decisions?

6 MS. JOHNSON: Object to form.

7 THE WITNESS: Not to my knowledge.

8 Q BY MS. TAYLOE: Do you think that might be why  
9 the FTE formula doesn't apply there?

10 MS. JOHNSON: Object to form.

11 THE WITNESS: I don't know about the -- I don't  
12 make decisions about the FTE formula, so I don't know.

13 Q BY MS. TAYLOE: I understand you don't make  
14 decisions about it. I'm just wondering if that's -- if  
15 you think that's why they are not counted the same way as  
16 children in schools?

17 MS. JOHNSON: Object to form.

18 THE WITNESS: No, I don't know why.

19 Q BY MS. TAYLOE: Okay. All right. And in  
20 sections 1 and 2, do you want to read them real quick and  
21 I will ask you a question about that?

22 A Sure.

23 Q You don't have to read them aloud, I'm sorry.  
24 Just familiarize yourself with them.

25 A Okay.

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1 Q So what -- what do these sections together mean  
2 in terms of student count?

3 MS. JOHNSON: Object to form.

4 THE WITNESS: I don't know what they mean in  
5 terms of student count, but reading the questions, they  
6 are talking about if a system is a system of residence,  
7 and I think they are trying to explain the count. But I  
8 don't -- I'm not sure.

9 Q BY MS. TAYLOE: So is a student counted for  
10 educational purposes in that student's resident district  
11 even if they are attending a GNETS program in a different  
12 district?

13 A I'm not sure.

14 Q Okay. Number 1 says, "The resident system of  
15 the student" -- or the question is, "Who reports the  
16 GNETS students for all state level data collections?"

17 The answer is: "The resident system of the  
18 student even if the student attends non-GNETS classes in  
19 a school system -- school in the system where the GNETS  
20 program is located."

21 A Yeah, so the resident system.

22 Q Okay. So does that mean the home -- the  
23 student's home district would get special education  
24 funding for that student even if that student is  
25 attending classes in a GNETS program and a school

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1 associated with that GNETS program in a different  
2 district?

3 A I don't have that kind of knowledge of who  
4 receives the funding based on the reporting.

5 Q Who in your division does special education  
6 funding allocations?

7 A Geronald Bell does the GNETS funding  
8 allocations, and Carmen Freemire does -- calculates.  
9 When I say does, I mean calculates, calculates the IDEA  
10 formula funding allocations.

11 Q Okay. Okay.

12 MS. TAYLOE: I would like to mark as Exhibit  
13 588 a document GA03803300.

14 (Plaintiff's Exhibit 588 was marked for  
15 identification.)

16 Q BY MS. TAYLOE: And this is a March 2016 e-mail  
17 from you to Stacey Benson; is that correct?

18 A That is correct.

19 Q Who is Stacey Benson?

20 A She is -- I believe she is a GNETS director.

21 Q Okay. And the subject line is, "Re: Draft  
22 FY17 GNETS Allocations."

23 Did you send out the draft allocations?

24 A I don't remember, but it's possible.

25 Q Okay. Can you describe what Ms. Benson's

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1 question is and your response to her?

2 A Oh, yeah. Okay.

3 So I -- it looks like I did send out the draft  
4 GNETS allocations, and then I'm not sure what Stacey --  
5 okay. So it's going in order like that (indicating).  
6 Okay.

7 She's asking me about the rolling average, and  
8 then I say, "That is the correct formula. Those are not  
9 the rolling averages I have in our big spreadsheet. Let  
10 me verify with paper copies and get back to you."

11 So what was your question?

12 Q So, first of all, can you confirm this is the  
13 formula we were talking about before?

14 A In theory, I can confirm that. Again, I did  
15 not -- so sometimes I can be considered like a customer  
16 service person. I did not calculate anything. There is  
17 a lot of conversation that probably happened behind this  
18 e-mail, you know, like, how is this calculated or -- so  
19 that I could answer Stacey's question.

20 Q But this is the formula that is used, at least  
21 in part, to fund -- to determine GNETS allocations?

22 A It -- it looks like that was what it was, was  
23 used for fiscal year '17.

24 Q And this is the one you described as having the  
25 rolling, rolling average, because it's averaging the

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1 averages from prior years?

2 A I regret saying that term, but yes, that is  
3 what I said.

4 Q Okay. And so what -- what is the big  
5 spreadsheet you are referring to here?

6 A I don't recall, but according to this e-mail,  
7 it probably would have been a calculation of GNETS  
8 funding that had these averages.

9 Q And when you say "our big spreadsheet," who --  
10 who would have that?

11 A Geronald would have it. I probably would have  
12 a copy of it. I'm not sure who all would have a copy of  
13 it.

14 Q What would you use this information for?

15 A I didn't personally use the information for  
16 anything other than to communicate out. Again, when  
17 Geronald Bell took over from Harry, I sometimes had  
18 Harry's documents that I would send to Geronald.

19 Before Harry left, he's a -- the role --  
20 Geronald and I both kind of took over what his position  
21 entailed, so Harry trained the two of us sometimes  
22 together and sometimes separately. So there would be  
23 times when Geronald Bell would need documents from me,  
24 so, hey, do you have this document that Harry had? And  
25 so I didn't do any of the calculations, but I would often



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1 send Geronald documents.

2 Q Okay. So you had access to the numbers, but  
3 you didn't use them?

4 A Yes, probably.

5 Q Okay. And what years -- I understand you don't  
6 know if there's been a change. But when this formula was  
7 in place, what years would be used as the three-year  
8 parts of the formula?

9 MS. JOHNSON: Object to form.

10 THE WITNESS: Well, if I'm looking at this  
11 e-mail, I can say it would be like a fiscal year '13  
12 rolling average, a fiscal year '14 rolling average, and  
13 then the fiscal year '15 actual student count. So it was  
14 a three-year glance.

15 Q BY MS. TAYLOE: And if you used the fiscal year  
16 '13 rolling average and fiscal year '14 rolling average  
17 and the actual count from the '15 -- FY '15, what year  
18 would that be used to create the allocation for?

19 MS. JOHNSON: Object to form.

20 THE WITNESS: A number of years. So it would  
21 be the fiscal year '13 -- I'm not sure. I'm not sure.

22 Q BY MS. TAYLOE: Well, let me remind -- this was  
23 sent in response to the draft FY17 GNETS allocation, so  
24 would these be the numbers you would use for the FY17?

25 A These would be the numbers we would use, but if

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1 you're talking about a fiscal year '13 rolling average,  
2 then the fiscal year '13 rolling average would encompass  
3 the years prior. Fiscal year '14 rolling average would  
4 encompass years prior. And then the fiscal year '15, so  
5 there would be a number of years of student counts that  
6 would be encompassed in this formula.

7 Q And would it be fair to say, then, that if a  
8 program's student enrollment is growing, that this  
9 formula would underfund them for an upcoming year's  
10 student count?

11 MS. JOHNSON: Object to form.

12 THE WITNESS: I wouldn't say that's a fair  
13 characterization. It could -- it could underfund or it  
14 could overfund.

15 Q BY MS. TAYLOE: How could it overfund?

16 A In my limited fiscal realm, I wouldn't think  
17 that you would want to use a rolling average in a  
18 formula. You would want to use actual student counts,  
19 because an average may be higher one year because of  
20 student enrollment. And the student enrollment could  
21 decline, so then it would be overfunded if the average  
22 was higher, or it could be underfunded if the average was  
23 lower. So yeah.

24 Q So I -- you said if -- if enrollment declined,  
25 it would be overfunded, but you thought it would also be

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1 possible to overfund if the enrollment was growing.

2 That's the part I don't understand.

3 MS. JOHNSON: Object to form.

4 THE WITNESS: It's an average. An average  
5 isn't, you know, exact enrollment, so...

6 Q BY MS. TAYLOE: Let me -- let me rephrase that.

7 If a GNETS program is -- enrollment is steadily  
8 growing, growing every year, this formula would underfund  
9 it; is that correct?

10 MS. JOHNSON: Object to form.

11 THE WITNESS: I'm not sure. I would have to --  
12 to actual -- actually run the formula to be able to  
13 determine that --

14 Q BY MS. TAYLOE: Okay.

15 A -- in today, yeah.

16 Q Is this formula used only for students in GNETS  
17 centers?

18 MS. JOHNSON: Object to form.

19 THE WITNESS: I'm not sure if it's used  
20 anywhere else or not, but I wouldn't imagine.

21 Q BY MS. TAYLOE: Do you know if it includes  
22 students in GNETS classrooms?

23 A What do you mean by "GNETS classrooms"?

24 Q I should have included that in my definitions,  
25 I'm sorry. So GNETS centers are what we've been using to

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1 refer to standalone centers that serve only GNETS  
2 students?

3 A Right.

4 Q And GNETS classrooms are classrooms that are  
5 set in general education facilities. The classrooms only  
6 serve GNETS students, but they are in a general education  
7 facility.

8 A Okay. I do not know if this would include  
9 GNETS students in those classrooms.

10 Q Okay. Do you -- have you heard of consultative  
11 services for GNETS?

12 A I have heard of consul- -- no. I have heard of  
13 consultative services for special education, more  
14 broadly.

15 Q What does that entail?

16 A It entails consulting with a specialized  
17 teacher and a general ed teacher and possibly the student  
18 about goals and objectives in the IEP.

19 Q If a GNETS teacher or coordinator or someone  
20 employed by a GNETS program provided such consultative  
21 services in a general education setting, do you know how  
22 that would be funded?

23 A I do not.

24 Q Okay. Are you aware of any funds that provide  
25 for consultative services?

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1           A    It could be a number of funds.  You could  
2   use -- if you are talking about the general ed setting,  
3   you could use any funding which would be allowed.  I  
4   mean, you could can use Title I funding, you could use  
5   IDEA funding, you could use state funding, or you could  
6   use GNETS funding, so there -- I wouldn't know how that  
7   -- specifically that consultative services would be  
8   funded.  It could -- you know, a lot of funds could be  
9   used.

10          Q    Are you aware of any state funds that are  
11   specifically designated for students with emotional or  
12   behavioral disabilities in a general education setting?

13          A    I am not aware.

14          Q    All right.  Can we back up for a second to  
15   carryover.  If a GNETS program has carryover funds, are  
16   there any restrictions on -- you said the state funds  
17   can't carry over; is that correct?

18          A    That's correct.

19          Q    Do they have any -- carried over federal funds,  
20   are there any restrictions on what they can be used for?

21          A    Yes.  It could be anything that's not in -- you  
22   know, that goes against the uniforms grants guidance  
23   or...

24          Q    Let me rephrase it then.  So there -- they  
25   would be subject to the same initial restrictions on what

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1 they could be used for?

2 A That's correct.

3 Q Are there any additional like carryover  
4 specific restrictions?

5 A No.

6 Q Okay. If a program is -- has excess funds  
7 towards the end of the year that would exceed the amount  
8 they are allowed to carry over, what is the -- what can  
9 they do with those funds?

10 MS. JOHNSON: Object to form.

11 THE WITNESS: They wouldn't get them. So  
12 they -- they couldn't do anything with them. If -- if it  
13 exceeded the amount that they were allowed to carry over  
14 and we did not -- so if they were allowed to carry over  
15 25 percent, and let's say they have 30 percent, then the  
16 additional 5 percent they wouldn't have to budget.

17 Q BY MS. TAYLOE: But can they use it before the  
18 end of the fiscal year?

19 A Yeah.

20 Q Is there any restriction on that?

21 A No.

22 Q I mean, as long as it was in the original  
23 budget or a budget amendment?

24 A As -- as long as it was in there. You know,  
25 sometimes things are what's on the budget. There may be

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1 some things in -- in a budget that we don't see, like  
2 supplies. Supplies is a big, broad thing, so they could  
3 imagine that they are gonna spend -- and this is very  
4 hypothetical -- money on paper, and decide to spend it on  
5 pens and supplies. And so we don't monitor it like that.  
6 So they could change it from an approved budget, but  
7 typically there would be no additional restrictions.  
8 They have, you know, local decisions on some of that  
9 stuff that they don't send back up to the State. But the  
10 bigger ticket items, we generally --

11 Q Only if they change between categories of --

12 A Right.

13 Q -- budgeted things?

14 A Right.

15 MS. TAYLOE: Okay. I'd like to mark as Exhibit  
16 589 document GA00315851.

17 (Plaintiff's Exhibit 589 was marked for  
18 identification.)

19 THE WITNESS: I don't see anything.

20 Q BY MS. TAYLOE: Okay. Do you see it now?

21 A I see it.

22 Q Okay. And this is a February 2018 e-mail from  
23 you to Vickie Cleveland and Nakeba Rahming?

24 A Yes.

25 Q Okay. And this thread started with an e-mail

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1 from Jackie Neal. She's asking for the three-year  
2 averages for a number of counties.

3 Can you -- do you know why she's asking for  
4 rolling averages by county?

5 A I don't know why.

6 Q Okay.

7 A Should I be scrolling through this?

8 Q Only if you want to.

9 MS. JOHNSON: If you need more context --  
10 sorry, I didn't mean to interrupt you.

11 If you need more context, feel free to scroll  
12 through.

13 THE WITNESS: Yeah, I'm gonna scroll through.

14 Q BY MS. TAYLOE: I will actually give you a  
15 minute to look over the whole thread then.

16 A Okay. I have read through all of the e-mails.

17 Q Okay. And she wrote to Carol -- and I don't  
18 know how to pronounce the last name -- Seay?

19 A That's correct.

20 Q Do you know who Carol Seay is?

21 A I do.

22 Q Who is she?

23 A She was our Part B data manager, IDEA Part B  
24 data manager.

25 Q Okay. And Carol forwarded it to -- no, I guess



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1 Jacqie then forwarded it to you; is that correct -- oh,  
2 no. Jacqie forwarded it to Vickie, I'm sorry, and Vickie  
3 forwarded it to you?

4 A That's correct.

5 Q Okay. And do you see where Jacqie expressed to  
6 Vickie that there have been some frustration with  
7 directors for an understanding of our budget allocations?

8 A I am -- it's slow to scroll at the moment, but  
9 I did read that.

10 Q Okay. Is that something you had experience  
11 with? Had directors asked you questions about  
12 understanding their budget allocations, in addition to  
13 the one we had seen before?

14 A Yes. They had asked me about their allocations  
15 in the past.

16 Q And is it fair to say there was -- well, I  
17 won't ask that question.

18 And she said in the past, you, Amber, had come  
19 out and talked to us about the general process. Do you  
20 remember having done that?

21 A I don't remember having done that, but I do  
22 remember that I tried to be responsive if people asked  
23 questions, so I can see that it probably happened.

24 Q What would you tell people about the general  
25 process?

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1           A     I would -- I don't remember what I told them,  
2     but it would probably be the same thing I would tell them  
3     today, which was, there's a -- you know, I must have been  
4     looking at the spreadsheet and trying to read the  
5     spreadsheet right along with them. I would probably have  
6     told them about the rolling average or what was in --  
7     tried to interpret what's in the spreadsheet.

8           To be clear, I never did the allocations, but,  
9     you know, I tried to be responsive if someone asked about  
10    them, so...

11          Q     Do you know, is the rolling average the only  
12    part of the allocation formula?

13          A     I don't remember all of the allocation formula,  
14    but I know that it's not the only part of the allocation  
15    formula.

16          Q     Did you understand it better before?

17                MS. JOHNSON: Object to form.

18                THE WITNESS: I can't -- I don't know how well  
19    I understood it.

20          Q     BY MS. TAYLOE: Would you have been able to  
21    answer their questions; for instance, "I was told that as  
22    a new director to expect \$12,000 per student"? If  
23    someone had asked you that, what would you have been able  
24    to tell them?

25                MS. JOHNSON: Object to form.

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1 THE WITNESS: If it was in the allocation  
2 spreadsheet, I would have been able to see that. I no  
3 longer remember if that was in the allocation  
4 spreadsheet; but if it was, I probably would have been  
5 looking at the allocation spreadsheet and helping them on  
6 a -- on a more detailed level.

7 The difference between myself and Geronald --  
8 and I think that that has changed -- is when we first  
9 started, I was more the communicator, and Geronald was  
10 behind the scenes doing these allocations, so he didn't  
11 really respond to directors. So some of these e-mails  
12 may be out of context, because I might say something, but  
13 I would have picked up the phone and called Geronald or  
14 called someone else. It didn't mean that I was the  
15 expert necessarily about this, but I certainly tried to  
16 provide good customer service. I don't like to tell  
17 people to go here, here, here, here, you know. When  
18 people want answers, they just want you to answer the  
19 question, so I tried.

20 Q BY MS. TAYLOE: What do you think was meant by  
21 her saying that the other directors were saying,  
22 "Students being served all three years in a count earning  
23 more than a student that has only served during one  
24 calendar year"?

25 MS. JOHNSON: Object to form.

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1 THE WITNESS: I don't know what she meant by  
2 that.

3 Q BY MS. TAYLOE: And she said she used to be  
4 able to confirm with Amber, but it seems like things have  
5 changed. Do you know what that means?

6 MS. JOHNSON: Object to form.

7 THE WITNESS: Yes. Before I was given more of  
8 the details. When Nakeba came on board, I really did  
9 not -- I received final documents. So the first couple  
10 of years of me being at the Georgia Department of Ed, I  
11 was more responsive to questions like this, and then --  
12 and I always tried to be even past that, but I didn't  
13 have as much -- I wasn't, I guess, in-the-know as much as  
14 when I first came on board. But if I had any documents  
15 that I could explain something, I certainly tried.

16 Q BY MS. TAYLOE: Okay. And then Vickie wanted  
17 to set up a meeting to discuss these further and asked if  
18 there was anybody else that should be included, and you  
19 responded "Geronald"; is that correct?

20 A I believe I read that, yes.

21 Q And it says that, "We discussed how to do the  
22 rolling average, which I will say needs some discussion."

23 Is that the discussion we referenced earlier  
24 that you had discussed with him about your concerns with  
25 the formula?

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1 A (No oral response.)

2 Q I'm sorry, can you --

3 A Yes.

4 Q And it says, "But we were told not to make any  
5 changes."

6 Do you remember who told you not to make any  
7 changes?

8 A No. I don't remember who told me not to make  
9 changes.

10 Q Do you remember any conversations beyond the  
11 ones with Geronald about the changes to that rolling  
12 average or the formula?

13 A Not specifically, but theoretically. I mean, I  
14 don't remember specific conversations, but I did have  
15 concerns about the rolling average, and I generally try  
16 to make my concerns known.

17 Q Okay. So seeing this e-mail now, do you still  
18 think changes were made after you expressed your  
19 concerns?

20 A I do believe changes were made after I  
21 expressed my concerns.

22 Q Why?

23 MS. JOHNSON: Object to form.

24 THE WITNESS: But -- okay. I believe changes  
25 were made because I think there -- many people wanted

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1 changes to be made, including stakeholders. And I --  
2 there's a period of time where we don't want to make any  
3 changes, and then I think there was a real push to make  
4 whatever changes were necessary to do the right thing,  
5 so... But I wasn't involved in the changes.

6 Q BY MS. TAYLOE: Okay. Do you remember -- well,  
7 strike that.

8 Did you and Vickie meet to discuss the  
9 recommendations that Jacqie sent?

10 A I don't remember. I don't remember. I would  
11 have to look at my calendar.

12 Q Okay. Do you know if directors can now confirm  
13 their student counts with your office?

14 (Court reporter clarification.)

15 MS. JOHNSON: Object to form.

16 THE WITNESS: Directors can confirm student  
17 counts. Anyone can confirm student counts, really. It's  
18 anyone in an LEA can ask for student count information,  
19 so I believe they would be able to confirm student  
20 counts.

21 Q BY MS. TAYLOE: And did you or -- well, did the  
22 Department of Education, you or Vickie Cleveland, provide  
23 training on budget allocations to the GNETS directors?

24 A I provided training once or twice, and then  
25 Malissa was the -- before she became the program manager,

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1 she was the program specialist that supported GNETS, and  
2 so then she did the trainings with Vickie. But yeah,  
3 I've -- I've given GNETS allocation training, but it was  
4 more for the lens of the budget that they submit in the  
5 consolidated application.

6 Q I'm sorry, it was more through the lens of  
7 what?

8 A So the budget that they would submit in the  
9 consolidated application, we continued to do that  
10 training annually now. Someone does. So it's -- we're  
11 talking about what can you -- how do you submit a budget,  
12 you know, how -- things like that.

13 Q So it was more the process of how to submit the  
14 application than on what would happen with the data that  
15 they submitted?

16 A Correct.

17 Q Okay. So as far as you know, they have not  
18 received any training on how that information is used to  
19 generate allocations?

20 MS. JOHNSON: Object to form.

21 THE WITNESS: Can you repeat that?

22 Q BY MS. TAYLOE: As far as you are aware, the  
23 GNETS directors have not received any training on how the  
24 information they submit is used to prepare allocations or  
25 determine allocations?

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1 MS. JOHNSON: Object to form.

2 THE WITNESS: Oh, I'm not sure if they've  
3 received -- I'm not sure what specific trainings have  
4 entailed, but I believe that they have because Vickie has  
5 told me, you know, we -- we were manually training the  
6 directors, so... But to the substance of that training,  
7 I wouldn't know.

8 Q BY MS. TAYLOE: Okay. And the last one she  
9 asked about was training on any changes that might be  
10 coming with being able to count direct services to  
11 non-GNETS students, consultation, therapeutic support, et  
12 cetera.

13 Are you familiar with any changes that have  
14 been made to how those services are compensated?

15 A I'm not familiar with any changes that have  
16 been made to how the services are compensated.

17 Q And you are not aware of any training to any  
18 directors on that point?

19 A I'm not aware of any training. It could  
20 happen -- have happened, but I'm not aware of it. I do  
21 know that we have given additional GNETS funding in  
22 separate grants over the past several years, so... But  
23 to that specific bullet point.

24 Q I'm sorry, you said you are aware of giving  
25 separate GNETS grants; is that what you said?



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1 A We have given funding to GNETS, not GNETS  
2 grants, but we have given additional funding to GNETS.

3 Q And are you aware, is that for consultative  
4 services?

5 A I believe they could use it for consultative  
6 services. For instance, we gave additional funding  
7 during COVID to specifically support all students, so it  
8 could be used for that.

9 Q Okay.

10 A We've given supplemental funding to GNETS in a  
11 separate grant than the normal annual state and federal  
12 GNETS. So yeah, some funding could be used to count  
13 towards that bullet point, but...

14 Q So some of their discretionary funding they  
15 could elect to do that, but it's not funded by the amount  
16 of services they are providing?

17 A I'm not sure how -- how the decision is made to  
18 arrive to the funding that goes out. I just see that it  
19 goes out, and then we -- the team reviews it in the  
20 consolidated application.

21 Q Okay.

22 MS. TAYLOE: Okay. I'm going to mark as  
23 Exhibit 590 document GA03803376.

24 (Plaintiff's Exhibit 590 was marked for  
25 identification.)

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1 Q BY MS. TAYLOE: And this -- the top one is an  
2 e-mail dated March 15th, 2016 from you to Derrick  
3 Gilchrist?

4 A Uh-huh.

5 Q Do you see it?

6 Who is Mr. Gilchrist?

7 A A GNETS director.

8 Q Okay. And I'm going to give you a moment to  
9 review this thread as well.

10 A Okay. Okay. I'm good.

11 Q Okay. So is it correct this is another  
12 response to your -- when you sent out the draft FY17  
13 allocations?

14 A It looks like it.

15 Q And he notes that the draft includes  
16 information about the rolling average but does not  
17 include information about our CPI data. Do you see that?

18 A I see that.

19 Q What is CPI data?

20 A I don't know what CPI stands for. I don't  
21 remember.

22 Q Does it have to do with personnel?

23 A Yes.

24 Q Is it a certain kind of personnel?

25 A I don't remember what CPI stands for. I do

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1 believe it's certified personnel.

2 Q All right. How does CPI information factor  
3 into allocations?

4 A I do not know how CPI information factors into  
5 allocations.

6 So let me go back up to my response. There  
7 would be many times that a GNETS director would ask me a  
8 question, and like I said before, I would pick up the  
9 phone and say, hey, this GNETS question has been asked,  
10 and then I would be the one sending the response, but I  
11 would not -- I mean, it's stated so emphatically as if  
12 I'm an expert on this, but I'm just the one relaying the  
13 information necessarily and I'm not the expert on this.

14 Q Is it possible for directors to review their  
15 CPI data now as he requested?

16 A I don't know if directors can or not.

17 Q All right. And then in your response, you say,  
18 "The Office of Planning and Budget (not the GaDOE)  
19 completes the initial GNETS funding allocations."

20 Can you explain that to me?

21 A I can and I can't. I know that the Office of  
22 Planning and Budget is -- they do -- to my knowledge,  
23 they work with the state appropriations, so I believe  
24 they work with Geronald to do the -- to calculate the  
25 formula. But to what extent, I -- I don't know. And to

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1 what extent Geronald does, I don't know. I mean, they  
2 work together. I don't really talk to OPB.

3 Q So before you told us that Geronald does the  
4 allocations. So are you --

5 A That's correct.

6 Q Do you think -- do you know whether Geronald  
7 Bell or OPB does the allocations?

8 A Truthfully, no. I -- sometimes you think you  
9 know something and you don't. So Geronald gives me the  
10 allocations, or gave me the allocations, and -- but who  
11 actually runs the formula, I -- you would want to ask  
12 Geronald Bell.

13 MS. TAYLOE: Okay. And I would like to  
14 introduce as document Exhibit 591, GA03803401.

15 (Plaintiff's Exhibit 591 was marked for  
16 identification.)

17 Q BY MS. TAYLOE: Okay. This is a March 2016  
18 e-mail thread between Cassandra Holifield and you.

19 A Uh-huh.

20 Q Who is Cassandra Holifield?

21 A A GNETS director.

22 Q Okay. I will let you review the --

23 A Okay. It stopped. It stopped performing. I'm  
24 talking about the mouse. I can't scroll down anymore.

25 MS. TAYLOE: Can we go off the record for a

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1 moment.

2 THE VIDEOGRAPHER: Off the record at 2:22 p.m.

3 (The deposition was at recess from 2:22 p.m. to  
4 2:32 p.m.)

5 THE VIDEOGRAPHER: Back on the record at  
6 2:32 p.m.

7 Q BY MS. TAYLOE: Okay. Have you had a chance to  
8 look at the document now?

9 A I'm reading it right now.

10 Okay. I have read it all.

11 Q Okay. Do you see -- well, can you tell me what  
12 the e-mail thread is about?

13 A It's about the draft allocations for fiscal  
14 year '17.

15 Q And did Cassandra Holifield have another  
16 question about that?

17 A Yes.

18 Q And do you see at the top of the second page  
19 where she writes to you and Nakeba and says, "Are you  
20 able to come to our meeting on either of those days to  
21 discuss the GNETS funding formula and the T&E mystery"?

22 A I see that.

23 Q Do you know what she means by "the T&E mystery"  
24 or the "funding formula and the T&E mystery"?

25 A I don't know what she means by "the T&E

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1 mystery."

2 Q Okay. Do you see immediately below that where  
3 you had said, "Many of you are asking questions about the  
4 funding formula, so I am attaching the guidance sheet  
5 that will provide more detail"?

6 A Yes, I see that.

7 Q Okay. And the response came after that, that  
8 even after receiving that, they still had questions about  
9 the funding formula; is that correct?

10 A That's correct.

11 Q And you said you were not going to be able to  
12 attend the meetings next week because you have monitoring  
13 visits. Can you tell me about the monitoring visits?

14 A Yes. We conduct cross-functional monitoring.

15 THE REPORTER: Cross what monitoring?

16 THE WITNESS: Cross-functional monitoring.

17 Sorry. And that is where we are monitoring federal  
18 dollars that we allocate, and yeah.

19 Q BY MS. TAYLOE: And do you monitor GNETS as  
20 part of that process?

21 A We monitor GNETS federal allocations, yes.

22 Q And what does that monitoring look like? What  
23 do you review?

24 A Okay. There are specific indicators that we  
25 review each year, and we determine annually which

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1 indicators we will include. They're generally the same.  
2 We just may -- may tweak them based on what we see coming  
3 in or any procedural changes we may make, maybe to the  
4 risk calculation or something like that.

5 So these indicators would include things like  
6 the uniform grants guidance and making sure that  
7 allow- -- federal cost principles are followed and -- and  
8 things like that.

9 Q And you said that we select each year based on  
10 what we see or change. Who is "we" in that?

11 A It is -- it's all of the federal programs team,  
12 basically the managers. We -- it's our normal review of  
13 our policies, practices, and procedures. We review our  
14 cross-functional monitoring process on an annual basis to  
15 make sure it's still working the way we want it to work.

16 Q So whatever you choose to focus on that year,  
17 you review across all federal programs?

18 A We review across all federal programs, yes.  
19 Each federal program may have specific indicators that's  
20 unique to their program, but we also have overarching  
21 indicators that would span all the federal programs.

22 Q Okay. Are there any unique indicators that you  
23 are aware of for a GNETS program?

24 MS. JOHNSON: Object to form.

25 THE WITNESS: I don't believe there are unique

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1 indicators specific to GNETS, but we did provide two  
2 GNETS directors which indicators applied to them, because  
3 not all of the indicators apply to GNETS. So we would be  
4 specific about which indicators apply to them.

5 And I am speaking from the fiscal team.  
6 There's also -- in the GNETS monitoring, there is also a  
7 programmatic monitoring that takes place for students'  
8 IEPs, but I can only really speak to the fiscal part of  
9 it.

10 Q BY MS. TAYLOE: Do you know who does the  
11 programmatic review?

12 A Whoever is assigned to do it. It is assigned  
13 from our results-driven accountability unit. But this is  
14 our cross-functional monitoring protocol across all LEAs,  
15 so it's not unique to GNETS. It's just the fiscal agents  
16 or LEAs that are designated in that year to be reviewed.  
17 GNETS would be included.

18 Q So these aren't reviews that are specific to  
19 GNETS; these are reviews of the fiscal agents that  
20 includes GNETS funding within it?

21 A That's correct.

22 Q Okay. And how many do you review each year?

23 A How many what?

24 Q Of these reviews, the fiscal agent reviews.

25 A It depends on the year. So our



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1 cross-functional monitoring is -- it's a four-year --  
2 every four years someone would be -- you would be  
3 monitored every four years, so we have -- I'm trying to  
4 think of how to say it. All of our LEAs and -- and/or  
5 fiscal agents are categorized into a year of funding, and  
6 you are on a list to be monitored at least once every  
7 four years. You could be monitored more, but you are on  
8 a list to be monitored at least once every four years.

9 Q And what can you tell me about the indicators?  
10 You said some -- you provided to the GNETS programs which  
11 indicators applied to them?

12 A Uh-huh.

13 Q I don't know if there's so many that it's hard  
14 to summarize or categorize, or is there something unique  
15 about what doesn't apply to them or any way you can sort  
16 of give me guidance on that?

17 A Yes. There would be things that's not specific  
18 to GNETS, such as the excess cost calculation. That  
19 is -- the excess cost calculation is unique to the LEA,  
20 so if we are preparing a GNETS director for what they  
21 need to provide to us, the LEA would still need to  
22 provide that excess cost calculation, but the GNETS  
23 director necessarily wouldn't need to be responsive for  
24 that.

25 They would respond to like, like I said, cost

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1 principles or things of that nature that's related to the  
2 funding, but it's -- some things are LEA responsibility.  
3 Or the high cost grant is a -- is a real good example.  
4 We give out high cost grants and to -- they're -- they're  
5 based on reimbursement for applications that are  
6 submitted to us, and so if GNETS did not have an  
7 application to submit to us, then that indicator may not  
8 apply to them.

9 Q So this makes me want to kind of go out of  
10 order and ask how this all works. When money is  
11 allocated and it's been approved for a GNETS program,  
12 it's -- to the fiscal agent serving that GNETS program,  
13 who actually files the request or submits the request for  
14 drawdown to get the money released? Is it the GNETS  
15 program or the fiscal agent?

16 A The fiscal agent. Someone in the fiscal agent.

17 Q So what kinds of cost information would you be  
18 reviewing at the GNETS -- at the program level?

19 A Our cross-functional monitoring indicators are,  
20 basically, we're monitoring the LEAs or fiscal agents  
21 when we are looking at the -- at the funding. GNETS  
22 directors may -- it's all about local control, right? So  
23 GNETS directors may be responsible for a budget, so then  
24 they would provide additional evidence to that.

25 It could be time and effort. It could be

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1 anything that's -- that's in the monitoring indicators,  
2 but they wouldn't necessarily be the sole person over it.  
3 It could be provided by the fiscal agent itself, so it  
4 may not be the GNETS directors that provide all the  
5 fiscal information to us that we're monitoring.

6 Q Are there some parts of the GNETS budget that  
7 the GNETS directors handle themselves without going  
8 through the fiscal agent?

9 A I don't know.

10 MS. JOHNSON: Object to form.

11 Q BY MS. TAYLOE: I'm just trying to see if the  
12 fiscal agents do the request for drawdown, what would be  
13 on the GNETS directors' side that you would be  
14 monitoring?

15 A It depends on roles and responsibilities that's  
16 set forth in the LEA or fiscal agent. You know, if it's  
17 a RESA, they may have duties and responsibilities  
18 outlined, and we don't tell them what duties or  
19 responsibilities they should have for specific roles.

20 For instance, a GNETS director may prepare  
21 evidence for monitoring, or it could be an administrative  
22 assistant, or it could be a bookkeeper, for instance,  
23 so...

24 MS. TAYLOE: Okay. I would like to introduce  
25 as Exhibit 592 a document GA00041019.

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1 (Plaintiff's Exhibit 592 was marked for  
2 identification.)

3 Q BY MS. TAYLOE: Can you see it?

4 A I can see it.

5 Q Do you recognize this as a document that you  
6 shared with the directors in connection with the e-mail  
7 thread we just looked at?

8 A It is possible that I shared it in that e-mail  
9 thread. I do -- I do recognize the document.

10 Q Okay. And was this an accurate summary of the  
11 funding formula at the time?

12 A I don't know, but it -- it -- I would have  
13 believed that it was, in order to share it.

14 Q Do you know who prepared this document?

15 A No.

16 Q Do you know where you got it?

17 A I don't remember where I got it.

18 Q Okay. Would this be the kind of information  
19 you would have shared with directors when you were trying  
20 to be responsive to their requests for information about  
21 the funding formula?

22 A Yes. If I had this document, I would share it  
23 with them.

24 Q Okay. And so the rolling average, according to  
25 this document, is part of the GNETS funding formula; is

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1 that correct?

2 A Yes.

3 Q And there is a base salary cost, which allows  
4 for a certain number of teachers for a certain number of  
5 students; is that correct?

6 A According to this document, yes. I haven't  
7 seen it in a long time, but you're refreshing my memory.

8 Q Do you remember who established that ratio?

9 A I do not. It was before I was employed at the  
10 Georgia Department of Education, I believe.

11 Q But it would be a Georgia Department of  
12 Education -- I mean, I'm not asking who within the  
13 Georgia Department, but it would be a Georgia Department  
14 of Education decision?

15 A Oh, I -- I don't know that.

16 Q This is not an IDEA requirement?

17 A It is not an IDEA requirement, to my knowledge.

18 Q Okay. And then when this ratio is used for  
19 students and for other -- I'm sorry, for teachers and  
20 paraprofessionals and other elements here that are  
21 dependent on the student count, is that also using the  
22 rolling average?

23 MS. JOHNSON: Object to form.

24 THE WITNESS: I don't know. I would need to  
25 see the actual spreadsheet.

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1 Q BY MS. TAYLOE: Is there an actual spreadsheet  
2 that includes all of this information?

3 A There should be. I mean, there's an actual  
4 spreadsheet that shows the GNETS calculations, so I would  
5 imagine that the calculations are in there.

6 Q Okay. And this would be done every year?

7 A Yes.

8 MS. TAYLOE: Okay. We ask that that be  
9 produced as responsive to our earlier requests.

10 MS. JOHNSON: Yeah, if you can follow up with a  
11 -- with a request after the deposition.

12 MS. TAYLOE: Okay.

13 Q BY MS. TAYLOE: Okay. What is Category III  
14 funding? Do you see that?

15 A I'm looking for it.

16 Q In the --

17 A No, I don't see it.

18 Q Oh, here it is. In "Direct Operations Cost,"  
19 it said, "The direct operation cost is based on Category  
20 III funding for materials/supplies, travel, textbooks,  
21 and equipment replacement."

22 A I think it is the QBE Category III funding, but  
23 I'm not 100 percent sure.

24 Q What is the "QBE Category III"?

25 A It's the category that you showed me on the

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1 document that I reviewed before.

2 Q Oh, Category III disability?

3 A Category III disability, yes.

4 Q Okay. And here it also says, "Director cost is  
5 consistent across all programs."

6 Is that still true?

7 MS. JOHNSON: Object to form.

8 THE WITNESS: Director cost -- I don't -- I  
9 don't know.

10 Q BY MS. TAYLOE: Do you know who establishes the  
11 director's salary?

12 A No.

13 Q Okay. For the other items here that just  
14 include a title but not an amount or a designation of  
15 amount, like "Operating Cost," do you know how those  
16 things are calculated?

17 A I don't know.

18 Q Okay. I think we're done with that one.

19 MS. TAYLOE: I'd like to mark as Exhibit 593  
20 GA03803423.

21 (Plaintiff's Exhibit 593 was marked for  
22 identification.)

23 THE WITNESS: I see it.

24 Q BY MS. TAYLOE: Okay. And this is a March 2016  
25 e-mail thread with Mary Ann Seay. Who is she?

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1 A Okay. Let me see. You want me to -- I can  
2 tell you Mary Ann Seay -- I'm not knowing who that is off  
3 the top of my head. There's the draft.

4 Q Does the e-mail address suggest that she's --  
5 is Crisp a county in Georgia?

6 A Crisp is a county in Georgia, yes.

7 Q So does Crisp Schools mean she's likely  
8 affiliated with that county?

9 A I would think, yes. But I haven't gotten to  
10 that part.

11 Q Oh, sorry.

12 A I don't see her. Are we on the same exhibit?  
13 A Mary Ann Seay? I don't see Crisp County at all. I'm  
14 seeing a Donald Carter.

15 MS. TAYLOE: Oh, I think we -- you need to let  
16 her have control back and put the right document up.  
17 Sorry, I skipped one in my outline.

18 THE WITNESS: Okay. Let me read this one.  
19 Okay.

20 Can you repeat your question?

21 Q BY MS. TAYLOE: Who is Mary Ann Seay?

22 A I don't know her, but yes, she -- I would  
23 believe that she's affiliated with Crisp County.

24 Q Okay. And she writes -- this is, again,  
25 following up on the draft '17 allocations, FY17 GNETS



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1 allocations. "We are trying to determine how/why our  
2 budget is hit so hard. I know our numbers are down and  
3 has been for the last few years."

4 It goes on to say they are looking at an  
5 estimate of about \$184,000 shortage. "We on so small  
6 already and I don't know what we will do."

7 Do you see that?

8 A I see it.

9 Q Can you explain your response to her? Explain  
10 to us how you responded to her.

11 A Let me get back up to it. I explained to her  
12 that her rolling average went down, which affects all of  
13 the operating costs that OPB gives. And then I said that  
14 she lost 120,000 in T&E, which means experienced teachers  
15 left. And because it's a finite amount of money, if  
16 other facilities allocations go up, that means somebody  
17 is coming down, so...

18 Q Okay. So let's take those in that order.  
19 Rolling average went down, which means all the operating  
20 costs went down. So that's not just the funding formula  
21 but also the per teacher ratio and all the other pieces  
22 that we talked about?

23 A I do not know the ins and outs and details of  
24 this cost -- of this formula. It appears that I do, but  
25 I really don't. I mean, a lot of times I was the

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1 front-facing communicator. So, I mean, they say  
2 hindsight is 20/20 for a reason. I probably shouldn't  
3 have been the one that's giving the information because  
4 I'm not the one with the details, but I'm told this  
5 information, and then I would give it out to the  
6 directors. So I can't really answer questions about what  
7 OPB did or exactly what operating costs are, but I can  
8 see why it looks like I could.

9 Q But in the event enrollment declined, would  
10 result in lower money under the allocation?

11 A Yes.

12 Q And it also said she lost 120,000 in T&E. I  
13 understand that means experienced teachers left. You  
14 explained that before, because they are being replaced  
15 by younger?

16 A Yeah.

17 Q Would that limit their ability to hire  
18 experienced teachers?

19 A No. They could hire experienced teachers.

20 Q How would they do that if their funding went  
21 down because the experienced teachers left?

22 MS. JOHNSON: Object to form.

23 THE WITNESS: I mean, they could hire teachers  
24 within their ability to do so based on the funding given.

25 Q BY MS. TAYLOE: But this answer suggests that

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1 as higher paid teachers leave, the budgeting for the  
2 upcoming year is downwardly impacted by the higher salary  
3 teachers leaving?

4 A That's correct. If -- you know, if they were  
5 to ask me that specific question that you are asking me,  
6 I would ask them to talk to their LEA. Because I have  
7 communicated directly to LEAs about, you know, GNETS  
8 funding as well, and my communication has been the  
9 students need to be served, and they are -- you know, the  
10 students belong to the LEA, so you would need to give  
11 additional funding, if needed, to -- to serve the  
12 students. So if they needed a teacher, they would need  
13 to collaborate with their local educational agencies to  
14 provide it.

15 Q Okay. So that advice to an LEA would make  
16 sense because they are the ones hiring and making that  
17 decision, but now you're saying that the LEAs are the  
18 ones that are ultimately responsible for providing FAPE,  
19 but now you're telling a program that they need to do so  
20 within this reduced budget; is that correct?

21 MS. JOHNSON: Object to form.

22 THE WITNESS: What do you mean when you say I'm  
23 telling a program?

24 Q BY MS. TAYLOE: Well, the program budget is  
25 set. They don't have the ability to have additional

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1 funds to replace the money from the lower T&E costs?

2 A Yes, that's correct, that this specific GNETS  
3 budget is set, but that doesn't mean that funding can't  
4 come from somewhere else.

5 Q Okay. So a GNETS program would need to get  
6 some other entity to subsidize the costs to get higher,  
7 more experienced or higher degree teachers?

8 MS. JOHNSON: Object to form.

9 THE WITNESS: If they needed additional money  
10 to support students, then they would need to talk to the  
11 LEAs to support students.

12 Q BY MS. TAYLOE: Okay. And then the last piece  
13 of the explanation you gave, that "if other facilities  
14 see an increase, it automatically takes funds from  
15 someone else because it is a finite amount of money."

16 So does this mean if a program had stable  
17 enrollment and didn't lose any experienced teachers or  
18 degreed teachers, they could still lose funding if some  
19 other program grew and was entitled to a larger share of  
20 the limited GNETS state fund?

21 MS. JOHNSON: Object to form.

22 THE WITNESS: Again, I don't do the  
23 calculation, but yes, I would -- if I looked at a  
24 spreadsheet, I could conclude that based on this  
25 statement that I put there, yes.

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1 Q BY MS. TAYLOE: And you have no reason to doubt  
2 that? That mathematically makes sense?

3 A It mathematically makes sense.

4 Q When we looked at the budget document that you  
5 see in the CON App portal, you talked about supplemental  
6 funding and carryovers and stuff. Can you describe how  
7 supplemental funding comes about?

8 A No. I was not in the decision-making about  
9 supplemental funding. I was just told that, you know,  
10 the years that we allocated it, that it was needed.  
11 Those would be in other budget discussions, most likely.

12 Q Do you do work related to the drawdown reports?

13 A We review drawdown reports.

14 Q Okay. By "we", do you mean your office or?

15 A I meant the fiscal team reviews drawdown  
16 reports.

17 Q So that means the budget analyst assigned to a  
18 program reviews it, or would you also review it?

19 A I would not -- I have -- I do not currently  
20 review drawdown reports. I have reviewed them in the  
21 past when I was part of the fiscal team.

22 Q Okay. All right. So we've been talking a  
23 little about the federal side -- I'm sorry, the state  
24 side of the grant. Can you tell me how the federal IDEA  
25 funds are allocated to regional programs, regional GNETS

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1 programs?

2 A What do you mean by "allocated"?

3 Q That is not done by -- by a formula, right? Is  
4 that done if they fall within a certain range, they get a  
5 certain amount of federal IDEA grant?

6 A I don't recall exactly, but I believe that it  
7 does fall within a range, from looking at prior years'  
8 documents.

9 Q Okay. And I asked before about Medicaid and  
10 SAMHSA funding. I can't remember if I asked you, who --  
11 who else would -- you indicated that you weren't familiar  
12 with those. You didn't deal with those. And if I  
13 apologize -- if I -- sorry. I apologize if I already  
14 asked you this. Who would, in the Department of  
15 Education, would know about the Medicaid funding for  
16 services provided in schools?

17 A I don't know who at the Department of Education  
18 would know about Medicaid funding in schools. I'm not  
19 sure.

20 Q Okay. And SAMHSA?

21 A I believe I said earlier that Justin Hill might  
22 know about the SAMHSA grant.

23 Q Okay. Thank you. I think you did. I'm sorry.

24 Okay. Now I have some questions that we laid  
25 the groundwork for now about allowability that I know

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1 fall more within your expertise.

2 MS. TAYLOE: I would like to mark as Exhibit  
3 593 --

4 MS. GARDNER WOMACK: 594. I think.

5 MS. TAYLOE: 594, Exhibit GA04957967.

6 (Plaintiff's Exhibit 594 was marked for  
7 identification.)

8 THE WITNESS: I see it.

9 Q BY MS. TAYLOE: Okay. We'll start at the back  
10 of this one and then work our way back up.

11 A Okay.

12 Q This is a March 2018 e-mail thread that starts  
13 with Jamilah McKenzie, and she's asking Vickie about  
14 guidance on what is allowable or unallowable. Do you see  
15 that at the end of the document?

16 A I'm scrolling. Should I read through the  
17 document first?

18 Q Sure, if you want to. We are going to work  
19 backwards, but it's fine.

20 A It's okay. I didn't know what you meant. I'll  
21 stop -- I'll start there. Okay.

22 Q Okay. So she's asking for just guidance  
23 generally; is that correct?

24 A Yes, it appears so.

25 Q I'm sorry?

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1 A It appears so.

2 Q And then Vickie Cleveland forwarded it to you  
3 and said -- asked if there was a document on the web page  
4 that lists the function and object codes and what's  
5 allowable and not allowable. She said she doesn't see  
6 anything.

7 Is that correct?

8 A That's what it says, yes.

9 Q And by "web page," does she mean the Georgia  
10 Department of Education website?

11 MS. JOHNSON: Object to form.

12 THE WITNESS: I don't know what she means, but  
13 I'm assuming.

14 Q BY MS. TAYLOE: Is there another place where  
15 she might be looking for such a document?

16 MS. JOHNSON: Object to form.

17 THE WITNESS: I believe she's talking about the  
18 Georgia Department web page. I believe that is what she  
19 is talking about.

20 Q BY MS. TAYLOE: And then in response to that,  
21 you say, "We have an IDEA allowable list that will be  
22 coming off the website at the end of the year for a  
23 number of reasons," and that "many things are allowable  
24 or unallowable based on the circumstances specific to  
25 that program."



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1 I am going to let you read the whole thing now,  
2 since I only asked for part of it.

3 A Okay. So I have read what I wrote to Vickie.  
4 Do you want me to go further?

5 Q No, that's okay.

6 Was IDEA allowability the only determinant?  
7 Would that list have answered Jamilah's questions?

8 A I don't know if it would have answered  
9 Jamilah's questions or not.

10 Q Would there have been other sources besides  
11 IDEA that would dictate allowability?

12 MS. JOHNSON: Object to form.

13 THE WITNESS: Yes. It would be things like  
14 that the funds would be used for the purpose of GNETS.  
15 That could detect allowability, you know. There is  
16 multiple things that go into allowability, such as,  
17 what's the purpose of this funding, you know. So I  
18 imagine there would be more things than the IDEA  
19 allowable list.

20 Q BY MS. TAYLOE: Okay. So that would have been  
21 a partial response, and you were offering that as one  
22 source she could have used, but it's coming down?

23 A That's correct.

24 Q Do you know why it was -- you said for a number  
25 of reasons. Do you know why it was coming off their

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1 website?

2 A I do know why.

3 Q Why?

4 A Okay. It was actually coming down by my  
5 suggestion, because it was a list of things that was  
6 created and updated by me when I came to the department.  
7 But it wasn't created by me, and it was a list of things  
8 that said, this is allowable or this is not allowable.  
9 And I felt like there should not be a list of what's  
10 allowable and what's not allowable. I think that knowing  
11 what IDEA represents, that things -- it's very gray  
12 what's allowable. Things could be allowable for one  
13 student but not allowable for another district, depending  
14 on how they want to use the funds.

15 So, for instance, there are some things such as  
16 the selected items of costs in the uniform grants  
17 guidance that we all know could be allowable or could not  
18 be allowable. But when you are talking about a specific  
19 student, I can -- I can give you probably one of the  
20 biggest examples of the reason why I was a proponent of  
21 taking it down is because, you know, some things may  
22 say -- I think one of them said medical device is not  
23 allowable, and that really needed some explanation behind  
24 it, because medical devices may be allowable if it's  
25 needed for -- to access curriculum. If it's a medical

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1 device that's provided, you know, by a doctor specific to  
2 a -- a student that -- it may or may not be allowable, I  
3 guess is what I am trying to say.

4 So I didn't want a list that said something is  
5 allowable or is not allowable, because every single  
6 student is unique. And I was a big fan of, let's discuss  
7 it if it's allowable and if it's what is needed for the  
8 students in your classroom, so...

9 Q Okay. That's helpful.

10 Do you know, were there any guidance documents  
11 put up in its place to give guidelines for consideration  
12 about whether something might be allowable or --

13 A Yes.

14 Q Where were those posted?

15 A On this -- in the same place where that list  
16 was posted.

17 Q And did you contribute to the new guidelines --

18 A Yes.

19 Q -- formation? Okay.

20 And did you provide training on allowability?

21 A Yes, to all.

22 Q To all who?

23 A Any stakeholders. I provided training to --  
24 for allowability at a number of conferences over the  
25 years, and regional technical assistance. And it would

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1 be -- some of the guidance that I've provided in the past  
2 would be unique to uniform grants guidance, and some  
3 would be IDEA allowability.

4 Q Okay. Okay. And then a few minutes later,  
5 based on the time stamp, you -- you said, "With all of  
6 these questions we have been receiving lately and with  
7 your new role" -- this is directed to Vickie -- "with  
8 your new role, I think it would be helpful to have a  
9 GNETS specific training to discuss allowability. Would  
10 you like to do that?"

11 Do you see that?

12 A I see it.

13 Q Okay. And that is to -- let me introduce the  
14 next exhibit.

15 A All right.

16 MS. TAYLOE: Which I would like to introduce  
17 Exhibit 595, document GA04957908.

18 (Plaintiff's Exhibit 595 was marked for  
19 identification.)

20 Q BY MS. TAYLOE: Can you see it?

21 A I see it.

22 Q And is this a note that you wrote to yourself?  
23 Is that that e-mail?

24 A Yes, I think so.

25 Q And does it -- does it look to you like your

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1 note is about the training that was just proposed in the  
2 preceding e-mail?

3 A I could argue that that's true.

4 Q So allowability would be one of the topics you  
5 would have proposed at that training to go over with  
6 directors or other stakeholders?

7 A I can tell that this was sent from my phone, so  
8 I was probably out somewhere when I read that e-mail and  
9 felt like I needed to give myself a reminder.

10 Q That makes sense.

11 So then the third bullet there, you say, "When  
12 to use state versus federal - students are general ed  
13 students first. This is a state run program. Federal  
14 funding is supplemental."

15 Do you see that?

16 A I see that.

17 Q Can you explain that?

18 A Yes. So this would not be unique to GNETS.  
19 This would be -- I -- I tell all of special education  
20 directors that, you know, special education students are  
21 general ed students first. So everything that a general  
22 ed student is entitled to, a special education student is  
23 entitled to. And so when you think about state funds  
24 versus federal funds, think about what you are providing  
25 from the state and then for all students, and any

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1 specific needs that they have could be provided in state  
2 funding, but then federal funding should be supplemental  
3 to that based on specific needs.

4 Q So I just want to make sure I understand that.  
5 So are you saying special education needs should be  
6 funded from state funds first, and then federal funds  
7 being supplementary to that?

8 A No, not necessarily. So IDEA funding is about  
9 the excess costs for students with disabilities. So when  
10 we talk about certain things that are funded in the state  
11 level versus the federal level, curriculum is a good  
12 example.

13 And this is not the only example, but this is  
14 the example I would probably give. Unless it's  
15 specialized curriculum, if it's a curriculum for all  
16 students, that everyone in the building receives, then  
17 that should probably be funded out of state funds because  
18 everybody would be receiving it. If it is specific to a  
19 student's need, then it could be curriculum, but it may  
20 be a specific curriculum that a student needs per their  
21 IEP or a group of students' needs for a special education  
22 class, then that would be something that's more aligned  
23 with a federal grant.

24 Q Okay. And then do you know what you meant by  
25 "developing a mindset"?

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1 A Uh-huh.

2 Q What does that mean?

3 A I wanted to provide -- I really wanted to  
4 provide capacity for special education directors to  
5 determine allowability on their own in a pinch. Not that  
6 they could not call us, or we never discouraged anyone  
7 from calling us, but I wanted to give them the  
8 flexibility to be able to make a decision locally and not  
9 feel like they had to ask us every time they needed to  
10 make a decision about funding.

11 So it was really developing questions to say,  
12 hey, you know, is this the excess cost of providing  
13 special education? You know, is this a specialized need?  
14 Things like that, like teaching special ed directors how  
15 to ask questions to themselves or to others in their  
16 district about if funding could be allowable based on  
17 specific need.

18 It was really to develop a mindset to allow  
19 them more flexibility versus less flexibility, because we  
20 wanted them to be able to spend the funds based on the  
21 students' needs versus looking at a list that says this  
22 is allowable, this is not allowable.

23 Q Right. So was it designed to enable them to  
24 make the decisions themselves? Did they have the  
25 authority to decide that? I don't know who -- who

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1 decides allowability.

2 A I don't know who decides allowability either.  
3 I mean, when I think of allowability, I can think of a  
4 number of different things. Is it in regulatory  
5 guidance? Is it in a grant award notification? Is it --  
6 you know, there is multiple ways to look at allowability,  
7 but we definitely wanted and still want to give special  
8 ed directors the tools they need to make decisions about  
9 the needs of their students in their districts. So that  
10 could include learning what is allowable or not allowable  
11 for the grant, and do the costs that they want to spend,  
12 does it support the purpose of the grant, which is to  
13 provide excess costs of education to students with  
14 disabilities.

15 MS. TAYLOE: Okay. I would like to introduce  
16 as Exhibit 596, document GA00317500.

17 (Plaintiff's Exhibit 596 was marked for  
18 identification.)

19 THE WITNESS: I see it, and I'm scrolling  
20 through it.

21 Q BY MS. TAYLOE: Okay.

22 A Okay.

23 Q Okay. This is a March 2018 e-mail thread from  
24 Lisa Futch to you?

25 A Uh-huh.



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1 Q Who is Lisa Futch?

2 A I believe she is a GNETS director.

3 Q Okay. And do you see how Ms. Futch offers some  
4 research citations in support of her request to use  
5 federal funds for diffusers and essential oils for each  
6 GNETS classroom?

7 A I see that.

8 Q Why is she asking you this question, given that  
9 she has evidence that she believes supports the purchase?

10 MS. JOHNSON: Object to form.

11 THE WITNESS: I don't know why she's asking me  
12 this question. Probably because she knows that I review  
13 budgets. But Vickie would have been approving them for  
14 allowability before they get to me, so...

15 Q BY MS. TAYLOE: So I guess that's what I was  
16 saying before about I don't who decides. If you had said  
17 no, could she have done it anyway; or if you had said no,  
18 that would have been she can't?

19 A I don't know. Generally, if someone asks  
20 allowability questions, we -- it's a discussion. So a  
21 lot of times I need more information, and I don't always  
22 put that more information in writing. A lot of times I  
23 will pick up the phone. And in this case, Vickie was  
24 reviewing all of the budgets before it came to me, so I  
25 was going to let Vickie weigh in on it, and I'm not sure

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1 if she did or what the follow-up was.

2 But most of the time if it was something that  
3 we were leaning towards a no, we would generally pick up  
4 the phone and have a -- have a discussion. Vickie would  
5 before I would. And then if Vickie wanted me to be a  
6 part of that discussion just to see if there's something  
7 that I could add to it, then she would ask me to be on  
8 it. I don't if that was the case here. I don't  
9 remember.

10 Q So you don't remember if Vickie had a different  
11 opinion?

12 A I don't remember.

13 Q Okay. Why would it -- and, I'm sorry, you  
14 maybe have said something I should be able to figure it  
15 out from, but I can't. Why would it be permissible to  
16 use state funds for this purchase if you were saying it  
17 wasn't allowable under federal funds?

18 A If it was something that would be needed for  
19 GNETS, then I think I was just giving her the option of  
20 using state funds if -- if she wanted to. I don't --  
21 sometimes I would tell people not to use federal funds  
22 versus state funds. If I didn't understand the full ask  
23 or if I needed more information, I would say, well, you  
24 can go ahead and use it in state funds, but if you want  
25 to talk about federal funding allowability, we will have

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1 more of a conversation. But it didn't mean it was a hard  
2 no, and maybe she did use it in federal funds. I don't  
3 know what the follow-up was after this.

4 Q So are the allowability discussions or  
5 restrictions only on federal funds, but state funds -- is  
6 there a different word than allowability? Are there  
7 restrictions on state funds what can or can't be used in  
8 a GNETS program?

9 A I don't know what restrictions, if any, are in  
10 state funds at this point. When I was first hired, I --  
11 I was told that state funds have more flexibility than  
12 federal funds. So that was probably that mindset that I  
13 was gearing in to 2018.

14 Q And so you're not sure if that's still true  
15 because you don't -- who in your office actually reviews  
16 the requests for drawdowns or approves, I call them  
17 disbursements, for certain event expenses?

18 A Vickie reviews and approves the GNETS budgets,  
19 both state and federal. Then Malissa's team, the program  
20 specialists, review the budgets that come in for more of  
21 the fiscal side. I would -- I would -- I will say I  
22 would not give this same response today.

23 Q Oh, what would you say instead?

24 A I would say, let's have a phone call.

25 Q Okay. And then what would you -- what would

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1 your answer be on the call?

2 A I don't know what my answer would be. It would  
3 depend on the discussion.

4 Q Would you need more information?

5 A I would need more information.

6 Q Okay. What kinds of things would weigh one way  
7 or the other in terms of your recommendation?

8 A I'm X'ing out of this Facebook notification.

9 Generally, I ask students specific questions  
10 when we're on phone calls, like what -- what do the  
11 students need? Are things -- are these needs detailed in  
12 an IEP? Why do you need this? I can't tell you exactly  
13 what would be discussed, but those are the type of things  
14 I would be asking.

15 MS. TAYLOE: Okay. Okay. I'd like to  
16 introduce as Exhibit 597, GA00885099.

17 (Plaintiff's Exhibit 597 was marked for  
18 identification.)

19 Q BY MS. TAYLOE: And I will give you a minute to  
20 review it.

21 A I don't even see it.

22 Q Once it's up, I'll give you a minute to review  
23 it.

24 A It's up. Should I review it?

25 Q Yes, please.

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1 A Okay. I have read it.

2 Q Okay. This is a May 2017 e-mail thread between  
3 you and Pat Wolf; is that correct?

4 A And Zelphine Smith-Dixon.

5 Q And who?

6 A Zelphine Smith-Dixon.

7 Q And who is Pat Wolf?

8 A I don't recall unless it says it right there in  
9 the e-mail signature, so I'm going to look.

10 She's -- he or she is a GNETS director. She.

11 Q On her May 23rd e-mail, it says, Director GNETS  
12 of Oconee?

13 A Yeah.

14 Q Okay. And who is Zelphine Smith-Dixon?

15 A I believe at the time she was the special  
16 education director for the state.

17 Q Okay. And is that the position that's  
18 currently held by Wina Low?

19 A That is the position.

20 Q Okay. And in this e-mail thread, she's asking  
21 for approval for an additional percentage of carryover;  
22 is that correct?

23 A It looks so -- like it is, yes.

24 Q And what are -- she's talking about VI-B. But  
25 I assume that's Title VI-B; is that correct?

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1 A VI-B, yes.

2 Q VI-B. What are VI-B funds?

3 A IDEA Part B funds.

4 Q So the VI is the IDEA-B we were talking about  
5 before?

6 A Yes.

7 Q Okay. And so you told her that GNETS may carry  
8 over 25 percent of the federal funds but state funds may  
9 not be carried over, correct?

10 A That's correct.

11 Q That's like we talked about before.

12 And you said the state -- no state funds can be  
13 carried over, like any state grant doesn't have any  
14 carryover?

15 A I don't know that any state grant -- I don't  
16 know about all state grants. I can't speak to all of  
17 state grants, but I believe that state funds cannot be  
18 carried over.

19 Q Okay. At least none in your division can be  
20 carried over?

21 A None in our division can be carried over.

22 Q Okay. And then she explains that GNETS of  
23 Oconee's funds are tight because they transition from a  
24 center-based program to a satellite program.

25 Do you know what that means?

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1 A I know -- no. I mean, I know what center-based  
2 means, I believe, and I know what the word satellite  
3 means, but specifically, no.

4 Q Okay. And she also notes that the -- the six  
5 systems we serve do not intend to provide any local  
6 funding. Do you see that?

7 A I see it.

8 Q We talked a little about that before, but now  
9 we have a concrete case. I'm curious, does Georgia  
10 Department of Education require any funding by the LEAs  
11 that send their students to a GNETS program?

12 MS. JOHNSON: Object to form.

13 THE WITNESS: I can't speak to that. I don't  
14 know. I don't know if we require any local funding  
15 currently. I haven't been in GNETS conversations in a  
16 long time. I do know that our message is that the  
17 students have to be served, so...

18 Q BY MS. TAYLOE: But none of the budgets you  
19 approve are ever conditioned or involve any consideration  
20 of local funding?

21 MS. JOHNSON: Object to form.

22 THE WITNESS: No. I do not approve local  
23 funding budgets.

24 Q BY MS. TAYLOE: And -- and they are not taken  
25 into account in the approval of state grants?

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1 MS. JOHNSON: Object to form.

2 THE WITNESS: No.

3 Q BY MS. TAYLOE: And then you wrote to Zelphine  
4 Smith-Dixon and asked, "Are we giving GNETS and GLRS  
5 waivers every three years as we are to LEAs? If so, are  
6 we approving them in FY18?"

7 Can you explain that question, those questions?

8 A Yes. So I was asking if we are giving GNETS  
9 and GLRS waivers, which in the past were -- we only  
10 allowed 25 percent carryover of everybody. And so every  
11 three years an LEA could say, I would like to carry over  
12 more than 25 percent, so we would give a waiver and allow  
13 that. The reason I was told when I was hired was because  
14 we wanted people to -- or LEAs to draw down their funds,  
15 so I was asking if GNETS and GLRS received those waivers  
16 as well.

17 Q So when you would allow waivers every -- yeah,  
18 allow waivers every three years for extra carryover, is  
19 it only for the excess in the third year?

20 A I think within a three-year time period, LEAs  
21 could have requested that. That is no longer the  
22 procedure.

23 Q Oh, I see. So it didn't happen -- it didn't  
24 have to fall in the third year, but if sometime during  
25 those three years you had a carryover, you could -- you



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1 could use the excess --

2 A Yes.

3 Q -- carryover?

4 A Yes.

5 Q Okay. And you were not sure if this waiver was  
6 also available for GNETS and GLRS; is that correct?

7 A I was not sure. It appears.

8 Q Do you know now if it -- if they have the same  
9 option?

10 A We don't do waivers at all anymore. I think  
11 everybody -- well, GLRS is now on a contract, and GNETS  
12 receives all of the carryover, and so do all of the LEAs,  
13 if they have any carryover that we've granted. Except  
14 for state. State cannot be carried over.

15 Q Okay. All right. So I -- I asked that  
16 question badly.

17 So when these waivers were still in effect, do  
18 you now know whether GNETS and GLRS had the same waiver  
19 options that LEAs did?

20 MS. JOHNSON: Object to form.

21 THE WITNESS: I don't remember. I don't  
22 remember.

23 Let me scroll back up here. This e-mail leads  
24 me to believe that I did not think that they did.

25 Q BY MS. TAYLOE: Okay. And did you meet with

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1 Zelfphine Smith-Dixon later to talk about this or have  
2 further conversations with her about it?

3 A I don't remember.

4 Q Okay. Okay. So that was when the waivers were  
5 still in effect, and then that every three-year waiver  
6 practice stopped. Did that stop at the same time that  
7 the sort of unlimited carryover policy went into place?

8 A Did the waivers stop at -- are you asking about  
9 the waivers?

10 Q Yeah, you said it -- we don't do the every  
11 three-years waivers anymore, but now there's not that  
12 restriction of 25 percent. I'm just wondering if those  
13 happened at the same time or there was a time in between  
14 where there was no carryover allowed?

15 A Okay. There was never a time in between, to  
16 my -- that I can recall that there was no carryover  
17 allowed for LEAs. When we stopped the waivers, we went  
18 to 100 percent carryover, so all IDEA funds can be  
19 carried --

20 Q At the same time?

21 A -- over. 100 percent, yes.

22 Q Okay. So all federal IDEA funds -- or all  
23 federal funds could be carried over unlimited?

24 A That's correct.

25 Q Thank you.

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1 And that's still the rule now?

2 A That's the rule.

3 MS. TAYLOE: Okay. Okay. I will produce this  
4 document 598 -- I'm sorry, Exhibit 598, document  
5 GA03838390.

6 (Plaintiff's Exhibit 598 was marked for  
7 identification.)

8 THE WITNESS: I see a document. Should I  
9 review it?

10 Q BY MS. TAYLOE: Yes, please.

11 A Okay. I have read it.

12 Q This is a July 2019 e-mail thread starting with  
13 Stacey Benson. And who is Stacey Benson?

14 A I believe she is a GNETS director.

15 Q Okay. Can you explain this thread to me?

16 A Which part of it?

17 Q I mean, there's talk about charging indirect  
18 costs to federal or state grants, and there seems to be  
19 some confusion, and you said there is awaiting further  
20 discussion of the proposal. I just -- I'd appreciate  
21 clarification of all of it.

22 A Yes. So the Georgia Department of Education  
23 allowed 1 percent in direct costs to the state grant and  
24 no indirect costs to the federal grants, and that was  
25 not -- that did not align with my understanding of what

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1 indirect costs were, so I requested meetings about  
2 indirect costs.

3 And can -- are we allowed to charge it to the  
4 federal grant instead of the state grant, because state  
5 funds don't really generate indirect costs; federal  
6 grants do generate indirect costs. And I believe it's  
7 referencing those conversations.

8 Q So I need to back up a little bit, then. Is  
9 indirect -- the 1 percent indirect cost, is that the  
10 charge that -- not charge, but the compensation that the  
11 fiscal agent gets for serving as the fiscal agent for a  
12 GNETS program?

13 A It's -- yeah, I mean, it's kind of like an  
14 administrative fee. I mean, yeah.

15 Q So the fiscal agent gets 1 percent of -- and  
16 maybe this is what the question is about. Does it get 1  
17 percent of the whole GNETS grant or just part of -- just  
18 the federal part or just the state part?

19 A They did allow 1 percent of the state funding  
20 portion and no percentage in the federal funding portion.

21 Q And they did allow -- you said that was Georgia  
22 Department of Education?

23 MS. JOHNSON: Object to form.

24 THE WITNESS: Or whoever made the decision,  
25 when it was first made. Someone -- we carried it out,

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1 but someone made that decision at some point. I don't  
2 know who.

3 Q BY MS. TAYLOE: Didn't you tell me earlier that  
4 IDEA funds have a certain part that is also for  
5 administrative costs?

6 A Most federal grants have -- are allowed  
7 indirect costs, yes.

8 (Court reporter clarification.)

9 Q BY MS. TAYLOE: So would this be in addition to  
10 that?

11 A No.

12 Q So the -- the federal grant that comes to  
13 Georgia has a percentage intended to cover administrative  
14 costs, the indirect costs. What -- what happens to that  
15 money?

16 MS. JOHNSON: Object to form.

17 THE WITNESS: Can you repeat that?

18 Q BY MS. TAYLOE: So the -- the indirect costs  
19 portion of the federal grant, where does that money go  
20 to?

21 A I had questions about indirect costs, and my  
22 direct supervisor, Chris Horton, who has since passed  
23 away, I had questions about this, and I asked if he could  
24 find out about it. And he called the previous person in  
25 the position, which was Harry Repsher, and Harry Repsher

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1 said to Chris, the 1 percent from the state grant was  
2 decided -- I don't know by whom -- but if they took 1  
3 percent in administrative costs, it was actually designed  
4 to give them more administrative cost and allow them more  
5 flexibility.

6 So because we allowed that 1 percent in the  
7 state funds, we did not allow any percentage in the  
8 federal funds, and it is a state discretionary grant.  
9 And so, you know, Harry told Chris that we have the  
10 discretion to make that decision, which I questioned  
11 several times, and I asked that we change the calc- --  
12 that we allow indirect costs in federal funds, and along  
13 with Amy Rowell has also questioned me about why we do  
14 that, and I say I don't know.

15 Q And so in this, you said you are awaiting  
16 further discussion of the proposal. Do you know if there  
17 have been any changes?

18 A I don't know.

19 Q So as far as you know, the current rule is that  
20 1 percent of indirect costs may be charged to the state  
21 grant and none to the federal grant?

22 A I believe that's still the case.

23 Q Okay. So the RESA would receive in  
24 compensation for serving as the fiscal agent for GNETS  
25 program 1 percent of the state portion of the GNETS

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1 grant?

2 A Yes.

3 Q Okay. Thank you for helping me through that.

4 MS. TAYLOE: Okay. And as Exhibit 599, I'd  
5 like to introduce GA00019233.

6 (Plaintiff's Exhibit 599 was marked for  
7 identification.)

8 THE WITNESS: I see something.

9 Q BY MS. TAYLOE: Would you mind reviewing it?

10 A Okay. It skipped really far, and I can't get  
11 it to go back to the middle. Oh, maybe -- maybe not.

12 Okay. I read it.

13 Q So this is an October 2016 e-mail thread that  
14 starts with Monique McCoy about a Bibb County greenhouse  
15 repair; is that correct?

16 A That's correct.

17 Q And I'm curious because this question was first  
18 directed to you and then you forwarded it to Nakeba  
19 Rahming; is that right?

20 A Yes.

21 Q And then Nakeba Rahming looped in Debbie Gay;  
22 is that correct?

23 A That's correct.

24 Q And then after confirming that y'all were  
25 talking about federal funds, Debbie Gay asked your

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1 opinion, correct?

2 A Correct.

3 Q And I'm curious about the timing of this. Was  
4 this during the time of turnover with new people or  
5 something that so many people were seeking each other's  
6 thoughts on this question?

7 A I'm not sure when Nakeba Rahming became -- came  
8 to the Department of Education, but when she came to the  
9 Department of Education, it followed the same procedure  
10 that is the current procedure with Vickie Cleveland. So  
11 all of the GNETS questions and even budget approvals  
12 go -- went to her first, just like they go to Vickie  
13 first now.

14 So Monique McCoy was a program specialist and I  
15 was her supervisor, so she asked me, and I forwarded it  
16 to Nakeba.

17 Q Okay.

18 A And then Debbie was the director at the time,  
19 so...

20 Q Okay. And Debbie's reaction was that she was  
21 very iffy on this, did not see it as a supplemental  
22 service to support student improvement. Do you see where  
23 she says that?

24 A I read it.

25 Q Okay. Was that the standard for allowable



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1 expenses for federal education funds at the time?

2 MS. JOHNSON: Object to form.

3 THE WITNESS: I don't think that that was the  
4 sole determination for allowability at the time, but it  
5 may have been one piece of it.

6 Q BY MS. TAYLOE: But that was why she was  
7 expressing hesitation to approve this expense under  
8 federal form -- funding?

9 MS. JOHNSON: Object to form.

10 THE WITNESS: I don't know why she was  
11 expressing hesitation. It -- I -- if I'm reading an  
12 e-mail and trying to determine what's in somebody's head,  
13 it appears that she thinks it's grounds maintenance. So  
14 I would think that that's why she is iffy on it, but  
15 that's my opinion.

16 Q BY MS. TAYLOE: Do you have an opinion about  
17 why she said it was important for her to include that she  
18 does not see it as a supplemental service to support  
19 student improvement?

20 MS. JOHNSON: Object to form.

21 THE WITNESS: Because IDEA funds generally are  
22 supplemental. We don't have the -- you know, as I stated  
23 before, maintenance of effort and excess cost calculation  
24 are the supplanting tests, so we don't have like a  
25 one-to-one supplanting test, but we do know that they are

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1 supposed to be supplemental funds.

2 Q BY MS. TAYLOE: Okay. And you responded that  
3 you are not sure that such expenses would be reasonable,  
4 necessary or support the purpose of the grant; is that  
5 correct?

6 A I did say that.

7 Q And would that -- are you saying that because  
8 that would be relevant to a federal or a state grant  
9 expense?

10 A Yes.

11 Q Which or both?

12 A Well, reasonable, necessary, allocable and  
13 documented, those are cost principles in the uniform  
14 grants guidance. But I need to look at the date, because  
15 the uniform grants guidance didn't come into play until I  
16 think -- okay. It's 2016, so they would have been in  
17 play at that point.

18 So yeah, I was -- I imagine I was talking about  
19 federal cost principles.

20 Q Okay. And then you wrote, "Given the needs of  
21 these students and the improvements we have been making  
22 in this" -- I'm sorry, "making to this program, I would  
23 think it prudent to receive data even if this were being  
24 budgeted with state funds."

25 So first, who is the "we" in that sentence

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1 referring to?

2 A I -- I don't know specifically, but I think it  
3 is -- I don't know. I think it's the -- I think I was  
4 meaning the Department of Ed or the special education  
5 office.

6 Q Okay. And what improvements were the  
7 Department of Education or the special education office  
8 making to the GNETS program at that time?

9 A I don't know all of the improvements that they  
10 were making, other than it was discussed that they were  
11 making improvements.

12 Q Do you know any of the improvements?

13 A I believe they were making improvements to  
14 facilities. I think that they were making improvements  
15 as far as record reviews. But no, I don't know all of  
16 the improvements or exactly what they are.

17 Q What do you mean by "record reviews"?

18 A I -- I don't know what I mean. I hear Vickie  
19 saying they are doing record reviews, so I think I'm just  
20 saying it. I don't know what it entails.

21 Q Okay.

22 MS. TAYLOE: Okay. And then one more. As  
23 Exhibit 600, I would like to introduce GA03826080.

24 (Plaintiff's Exhibit 600 was marked for  
25 identification.)

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1 Q BY MS. TAYLOE: And once you see it, if you can  
2 review it, please.

3 A Okay. I have reviewed it.

4 Q Okay. Thank you.

5 And this is an e-mail thread spanning parts of  
6 May and June of 2018, starting with Chris Briggs. Who is  
7 Chris Briggs?

8 A I don't know Chris Briggs, but let me see the  
9 -- director of GNETS Mainstay.

10 Q Okay. And do you know who Sheila Mincey is --  
11 or I'm sorry, Shelia Mincey?

12 A I think it's Shelia. I think -- I think she's  
13 a special ed director of a school district.

14 Q Okay.

15 A If I recall.

16 Q And Ms. Briggs wrote to Ms. Mincey that  
17 Mainstay finally had the money to spend on a couple  
18 high-priced items that will really serve the program  
19 well. Do you see that?

20 A I see that.

21 Q Or did you read that?

22 A I read it.

23 Q One of the items is a Micro Bird bus that she  
24 says is "for us to use to run our midday routes and  
25 community-based routes with."

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1 A I see that.

2 Q And that e-mail was internal to prepare a  
3 budget amendment to request that their funds be approved  
4 for the purchase. Do I have that right?

5 A It looks to be so.

6 Q Okay. And can you just help me understand why  
7 that would be a budget amendment rather than a drawdown  
8 request?

9 MS. JOHNSON: Object to form.

10 THE WITNESS: Specifically, I'm -- I'm not  
11 sure, but I imagine if they're doing a budget amendment,  
12 it's because it's not already in the budget. So they  
13 would want to do a budget amendment before they drew  
14 down -- they draw down funds.

15 Q BY MS. TAYLOE: Okay. So they -- they must  
16 have had the sufficient amounts of money, but it had not  
17 been previously designated for that purpose?

18 MS. JOHNSON: Object to form.

19 THE WITNESS: That could be the case.

20 Q BY MS. TAYLOE: How -- how could it not be the  
21 case, given our discussion before about how budget  
22 amendments work and what she's written here?

23 MS. JOHNSON: Object to form.

24 THE WITNESS: It could not be the case because  
25 this was May 17th, 2018, and I feel like I need a little

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1 more context. I'm assuming they're talking about the  
2 current year budget, but they may be talking about the  
3 upcoming budget and may be making plans for the upcoming  
4 year. So I don't know if they would have been able to  
5 have an amendment. I mean, if it was the upcoming year,  
6 then they wouldn't have done even an original budget,  
7 so -- but if they're asking about an amendment, then I  
8 would assume it is the current year.

9 Q BY MS. TAYLOE: Okay. And --

10 A Oh, okay.

11 Q And she said, "We then need to submit to the  
12 state and make sure they approve." And that's because  
13 that's the amendment process, correct?

14 A Yes. Correct.

15 Q And then Ms. Mincey forwarded it to you for  
16 approval; is that correct?

17 A Yes.

18 Q And then on June 6th -- I'm sorry, June 7th,  
19 did you forward the request to Vickie Cleveland?

20 A Yes.

21 Q And why is that?

22 A Because Vickie Cleveland reviews all of the  
23 GNETS funding before they come to us.

24 Q Like you've been saying before?

25 A Yes.

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1 Q And you said you were not sure whether it was  
2 allowable from state funds. Were you seeking Vickie's  
3 opinion on that or was she the decider?

4 MS. JOHNSON: Object to form.

5 THE WITNESS: It appears I am seeking her  
6 opinion, but I said I think it would be allowable in  
7 state funds, so.

8 Q BY MS. TAYLOE: And then after speaking with --  
9 well, the e-mail says that after speaking with Chris,  
10 Vickie Cleveland wrote, "I would not approve GNETS state  
11 grant funds to purchase a bus"; is that correct?

12 A I'm scrolling back up.

13 Yes, that is correct.

14 Q Okay. And she indicated that Mainstay needs to  
15 meet with the LEA special ed director to work something  
16 out; is that correct?

17 A It indicates that.

18 Q Okay. And what was your response to that?

19 A I said, "Great."

20 Q So why did the State deny the LEA and the  
21 program the authority to use their budgeted funds to make  
22 a purchase if the program determined it would be  
23 beneficial and would help get GNETS students into the  
24 community?

25 MS. JOHNSON: Object to form.

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1 THE WITNESS: I don't know why the  
2 determination was made because I wasn't on the phone  
3 call, if she had a phone call.

4 Q BY MS. TAYLOE: So the GNETS program and the  
5 LEA together were preparing a budget amendment and sought  
6 the State's approval for it, and it was denied without  
7 any further documentation besides what's in this  
8 document?

9 MS. JOHNSON: Object to form.

10 THE WITNESS: We don't document every  
11 conversation that we have when we're discussing  
12 allowability. So I can only speak to exactly what's in  
13 the e-mails, but I -- I feel like they don't give all of  
14 the context, because I don't know what was in the  
15 conversation with her.

16 I think, if I'm only speaking for myself, I  
17 originally said they wouldn't have been allowed for  
18 federal but allowed for state, the bus, because  
19 transportation is universal to all students, and so we  
20 generally don't approve buses in special education,  
21 although, we have before if there has been a documented  
22 specific special education need.

23 So I forwarded it to Vickie to find out about  
24 that, and then I wasn't part of the decision after that.  
25 It sounds like she talked to Chris and found out more



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1 about it.

2 Q BY MS. TAYLOE: And even though LEAs are not  
3 required to make any contributions, this could be denied  
4 on the grounds that that's something they should be able  
5 to work out with the LEA?

6 MS. JOHNSON: Object to form.

7 THE WITNESS: It could be denied on -- on many  
8 different grant -- multiple reasons it could be denied.  
9 I don't think it's just because we expect that the LEA  
10 should have the funding. It may have been something that  
11 Chris, you know, told Vickie. There could have been  
12 details that Chris told Vickie that led Vickie to believe  
13 that it's not allowable, but all of this is speculation  
14 because I don't know what they talked about.

15 Q BY MS. TAYLOE: Okay. So even with your  
16 recommendation that you found it allowable, Vickie  
17 Cleveland had the authority to deny the purchase?

18 MS. JOHNSON: Object to form.

19 THE WITNESS: I trusted her as a colleague in  
20 the conversation that she had because she's the program  
21 director for GNETS, but my "great" does not mean that I  
22 thought that was great. My "great" meant I'm ready to  
23 move on.

24 Q BY MS. TAYLOE: Yeah, I didn't take it as an  
25 endorsement of, you know, denying it; just that it was

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1 determined.

2 A Right.

3 Q But that was how you took it, it was  
4 determined, like we had decided not to permit --

5 A Yeah.

6 Q -- this purchase?

7 A That's how I took it, yeah.

8 Q Okay.

9 MS. JOHNSON: When you get to a stopping point,  
10 can we take a break?

11 MS. TAYLOE: We were actually planning on that.  
12 So in 20 minutes or so?

13 MS. JOHNSON: In 20 minutes or a 20-minute  
14 break?

15 MS. TAYLOE: No, take it now for about 20  
16 minutes.

17 MS. JOHNSON: Okay. I mean, I don't need that  
18 long, but if you want 20 minutes, that's fine.

19 MS. TAYLOE: Is 20 minutes okay with everybody?

20 MS. JOHNSON: Sure.

21 THE VIDEOGRAPHER: Off the record at 4:09 p.m.

22 (The deposition was at recess from 4:09 p.m. to  
23 4:33 p.m.)

24 THE VIDEOGRAPHER: Back on the record at 4:33  
25 p.m.

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1 Q BY MS. TAYLOE: Okay. I want to ask you a few  
2 questions about the GNETS rule. Are you familiar with  
3 the GNETS rule?

4 A I am familiar to the extent that I know that we  
5 have one, but I don't know the details of it.

6 Q Okay. And I'd like to introduce -- I don't  
7 have to have it marked -- a document previously marked as  
8 Exhibit -- Plaintiff's Exhibit 82, which is the GNETS  
9 rule for reference.

10 A Would you like me to review it?

11 Q No, it's kind of long. I think I'll direct you  
12 to places I want your attention.

13 A Okay.

14 Q So Section (a), if you can see there, outlines  
15 what it says are the SEA responsibilities. Do you see  
16 that?

17 A Is it the little?

18 MS. JOHNSON: I think we're in the wrong.

19 THE WITNESS: I'm in definitions.

20 Q BY MS. TAYLOE: There we go. So it's 5(a).  
21 Sorry.

22 A Okay. I see that.

23 Q Okay. So for purposes of the GNETS rule, do  
24 you know who -- who is this SEA?

25 A The Georgia Department of Education, the State

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1 Educational Agency. That's what SEA stands for.

2 Q Okay. And do you see in -- within that section  
3 (d)3 or (d)5, where they say SEA or GaDOE?

4 A Did you say D, as in dog, like (d)3?

5 Q Yes. Sorry.

6 A I don't know those military letters.

7 All right. (d)3. Okay. I see (d)3.

8 Q Okay. So if it's -- do you see it says SEA or  
9 GaDOE?

10 A No. I see that it says, "SEA and the GaDOE."

11 Q Okay. So do you still think SEA refers to  
12 GaDOE?

13 MS. JOHNSON: Object to form.

14 THE WITNESS: I don't know what it refers to.

15 Q BY MS. TAYLOE: All right. So we're working  
16 through some of the responsibilities, and I'm going to  
17 try to figure out who does some of these things. Okay?

18 A Okay.

19 Q In (a) -- I'm sorry, I didn't mark all my  
20 sections properly. Where it says, SEA receive and  
21 disburse funds appropriated by the General Assembly to  
22 support the GNETS services, would that be the Board of  
23 Education or GaDOE or both together?

24 A Okay. Can I --

25 MS. JOHNSON: Object to form.

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1 THE WITNESS: -- read what you're reading? Are  
2 you on page 2? Nope. It wouldn't be on page 2. Let me  
3 find where SEA is. Okay. Is it -- are you talking about  
4 5?

5 Q BY MS. TAYLOE: Yeah.

6 A (a)?

7 Q Yeah.

8 A Okay. I see this.

9 Q So are the funds received and disbursed by the  
10 Board of Education, by Department of Education or some  
11 combination?

12 MS. JOHNSON: Object to form.

13 THE WITNESS: It says the Georgia General  
14 Assembly in the rule.

15 Q BY MS. TAYLOE: That's who appropriates the  
16 funds. And then it says, the SEA receives and disburses  
17 funds.

18 A That's true, that it says that.

19 What's your question?

20 Q So who receives and disburses the funds?

21 MS. JOHNSON: Object to form.

22 THE WITNESS: Are you asking about a person or?

23 Q BY MS. TAYLOE: No.

24 A An agency?

25 Q An agency.

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1           A    Okay.  I -- it says, the SEA shall receive and  
2   disburse funds, and I believe that that happens.

3           Q    Does it happen within GaDOE?

4           A    I believe that it happens within GaDOE.

5           Q    Okay.  And it says -- the next subsection says:  
6   The rule states that SEA will collaborate with GaDOE to  
7   develop rules and procedures regulating the operation of  
8   the GNETS grant, including the application process?

9           A    Which part?  What's the sub?

10          Q    (a)2(i), "Develop" policies -- I'm sorry.  
11   "Develop rules and procedures."

12          A    I see it.  I see that, what you're talking --  
13   "Administer the grant funds by performing the following  
14   in collaboration with GaDOE."  I see this, yes.

15          Q    Okay.  So has GaDOE, or has your division in  
16   GaDOE developed rules and procedures regulating the  
17   operation of the GNETS grant?

18               MS. JOHNSON:  Object to form.

19               THE WITNESS:  I don't know.  I'm not developing  
20   rules and procedures regulating the operation of GNETS  
21   myself personally.  I do assist with the development of  
22   rules and procedures in special education as a whole.

23          Q    BY MS. TAYLOE:  Okay.  Has your division  
24   developed rules and procedures regarding the operation of  
25   a GNETS grant?

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1 MS. JOHNSON: Object to form.

2 THE WITNESS: As grants as a whole, yes. So we  
3 have a -- you know, procedures that we follow and budget  
4 amendments come in, and yes. But it's not specific to  
5 GNETS, the procedures that I follow.

6 Q BY MS. TAYLOE: Okay. And the procedures for  
7 grants as a whole also apply to the GNETS grants?

8 A Yes.

9 Q Okay. And then in the next subsection, it  
10 says, "Notify the fiscal agents regarding each fiscal  
11 year's allocation and approve GNETS services budgets"?

12 A I see that it says that.

13 Q Does GaDOE do that?

14 MS. JOHNSON: Object to form.

15 THE WITNESS: Yes. GaDOE does do that.

16 Q BY MS. TAYLOE: Okay.

17 A GaDOE approves GNETS specific LEA budgets. In  
18 my office, I can't speak to what other people do, but I  
19 do know that for the federal funds specifically, we do  
20 send out grant award notifications, and we post how much  
21 funding they'll receive in state and federal on our  
22 website, so...

23 But I don't know if I'm reading this in  
24 context, as like if it's a big notification or if you're  
25 talking about what I do specifically.

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1 Q You answered my question. That -- that's what  
2 I meant.

3 A Okay.

4 Q Like the Department of Education does do those  
5 things.

6 A Okay.

7 Q And then the next subsection is (a)2, and then  
8 Roman numeral (iii). It says, "Monitor GNETS to ensure  
9 compliance with Federal and state policies, procedures,  
10 rules, and the delivery of appropriate" -- sorry,  
11 "appropriate instructional and therapeutic services."

12 Is GaDOE involved in that monitoring?

13 MS. JOHNSON: Object to form.

14 THE WITNESS: I don't know all of the  
15 monitoring that takes place. I can just speak to the  
16 monitoring that I do, and I do a subset of that.

17 Q BY MS. TAYLOE: And what is the subset of  
18 monitoring that you do?

19 A Cross-functional monitoring, that would be more  
20 federal grants. And, you know, we -- I would want to  
21 know what the definition of monitor is here, because it  
22 could mean a lot of things. I monitor drawdown -- I  
23 mean, I don't specifically monitor them now, but in the  
24 past I have monitored drawdowns. I have monitored  
25 procedures to overall budgets, so those are some of the



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1 things, the activities that I would do as a subset of  
2 that, but I can't speak to what the department does as a  
3 whole.

4 Q Okay. And do you believe that the programmatic  
5 monitoring you referred to earlier includes monitoring of  
6 the delivery of appropriate instructional and therapeutic  
7 services?

8 MS. JOHNSON: Object to form.

9 THE WITNESS: I don't do that monitoring, so I  
10 don't know the specifics of it, but I do know that they  
11 review GNETS IEP records during that monitoring. I -- I  
12 don't even see the outcome of that.

13 Q BY MS. TAYLOE: Is there any other division or  
14 part of GaDOE that you believe is involved in the  
15 monitoring of the delivery of appropriate instructional  
16 and therapeutic services?

17 MS. JOHNSON: Object to form.

18 THE WITNESS: Did you ask me if -- if I knew of  
19 someone?

20 Q BY MS. TAYLOE: If there is any other  
21 department or division of GaDOE that you believe is  
22 involved in that?

23 A I believe that RDA, our results-driven  
24 accountability unit, is involved in -- partially involved  
25 in monitoring. And I believe that Vickie Cleveland and

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1 LaKesha would be a part of that monitoring. Outside of  
2 that, I'm not sure who else in GaDOE would be a part of  
3 that monitoring, but there could be other people.

4 Q And LaKesha is LaKesha Stevenson?

5 A LaKesha Stevenson, yes.

6 Q Are any reports required under the GNETS rule  
7 submitted to your office?

8 MS. JOHNSON: Object to form.

9 THE WITNESS: This rule as -- are you meaning  
10 this rule as a whole?

11 Q BY MS. TAYLOE: Uh-huh.

12 A I don't know, but I would believe so.

13 Q Which reports do you think that includes?

14 A I don't know. I'm guessing that they would --  
15 there would be reports. I mean, earlier we saw an e-mail  
16 where someone attached several documents, and I do know  
17 that Vickie collects documents and other individuals  
18 collect documents, so I would -- it is speculation, but I  
19 would imagine that would be happening.

20 Q So there is no systematic process in your  
21 division to review reports that are specifically provided  
22 to you in accordance with the rule?

23 MS. JOHNSON: Object to form.

24 THE WITNESS: There may be. There may not be.  
25 I'm not aware of a -- aware or not aware of a systemic

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1 practice.

2 Q BY MS. TAYLOE: In your current role as program  
3 manager, are you aware of any process to review reports  
4 submitted to your office?

5 A That's difficult to answer, because I have  
6 heard Vickie saying they're doing record reviews. I have  
7 heard our RDA team say they are doing record reviews to  
8 include GNETS. I have seen cross-functional monitoring  
9 training that says GNETS records will be pulled.

10 I cannot speak to specific reports or  
11 additional things that may be submitted and to whom they  
12 would be submitted.

13 Q Okay. So you have heard about these reports or  
14 reviews, but there is no process in your office to  
15 collect or review them?

16 A I can't speak to the whole office.

17 Q As program manager, would you know if they  
18 were?

19 A I -- we really stay in our lane. As program  
20 manager of the fiscal side, I stayed in my lane on that,  
21 and now I am senior program manager, but I don't interact  
22 with GNETS a lot. So I don't know if they are sending  
23 reports to Vickie on a regular basis or not. It would --  
24 I would imagine they would go to Vickie, but I'm not  
25 sure.

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1 Q Okay. Who -- who in your office would review  
2 them on the fiscal side?

3 MS. JOHNSON: Object to form.

4 THE WITNESS: Which reports?

5 Q BY MS. TAYLOE: Any. I'm saying you're not  
6 aware of any -- people stay in their lane. Vickie  
7 reviews them. You've said before she reviews for  
8 programmatic things. Who in your office would review  
9 them on the fiscal issues?

10 MS. JOHNSON: Object to form.

11 THE WITNESS: Our budget team reviews budgets.  
12 We review drawdown reports, things like that. I don't  
13 know if you are referring to a specific report. I'm -- I  
14 know you're asking me in context of this rule, but I  
15 don't know what specific reports. But I can -- I can  
16 speak to what the fiscal team reviews.

17 Q BY MS. TAYLOE: Okay. Okay. In the next  
18 section, I think this is section (e). Where is fiscal  
19 agents?

20 Okay. Section (d), where it says, "The fiscal  
21 agent shall"?

22 A Yes, I see it.

23 Q What are "restricted GNETS accounts"? That  
24 language is in the second parenthetical.

25 A I don't know what "restricted GNETS accounts"

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1 mean.

2 Q And then in 3 it says they will -- the fiscal  
3 agents will submit financial reports as requested by  
4 GaDOE and SBOE.

5 Have -- has your division ever requested  
6 reports to be submitted?

7 MS. JOHNSON: Object to form.

8 THE WITNESS: Number -- were you quoting number  
9 3? It says "SEA and the GaDOE"?

10 Q BY MS. TAYLOE: Oh, I'm sorry, I misread that,  
11 "as required by."

12 MS. JOHNSON: Can you repeat the question? I'm  
13 sorry.

14 THE WITNESS: Yes. Please repeat your  
15 question. I'm sorry.

16 Q BY MS. TAYLOE: In the third parenthetical  
17 there, it says, "Submit financial reports as required by  
18 the SEA and the GaDOE."

19 Have you ever received any reports from the  
20 fiscal agents pursuant to this provision?

21 MS. JOHNSON: Object to form.

22 THE WITNESS: Yes.

23 Q BY MS. TAYLOE: What reports are those?

24 A We have received completion reports, which  
25 shows how they submitted their grant, what their final

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1 expenditures were in their grant. We have received  
2 financial reports in monitoring, and that may be -- it  
3 could include -- that could include a lot of different  
4 reports. It may be a general ledger report. It may be  
5 evidence to speak to specific -- a specific item in the  
6 budget.

7 So if you are asking me about overall financial  
8 reports, I have seen financial reports, and I know that  
9 some have been submitted. But in the context of what  
10 exactly this rule is talking about, I don't -- I'm not  
11 sure.

12 Q Okay. When fiscal agents submit completion  
13 reports, what is done with them in your office?

14 A It is a part of what we review in monitoring.  
15 We look to see if the final completion report matched the  
16 budget. Things like that.

17 Q When you say "things like that," are there  
18 other things besides the match to the budget?

19 A There could be. It depends on if -- if we  
20 looked at a completion report and something stuck --  
21 stuck out at us. I don't -- I mean, it's not a big part  
22 of what we do, but, you know, our grants accounting  
23 office receives the completion reports, and they may have  
24 a question at various times, but that wouldn't even be  
25 specific to GNETS. It would be just part of what we do

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1 for all of the grants that we receive.

2 Q So this would be mainly comparing their  
3 expenditures to their budget and allocation, things like  
4 that?

5 A Yes.

6 Q Okay. It also says the fiscal agents -- the  
7 next parenthetical, "The Fiscal Agents shall: Monitor  
8 facilities for safety and accessibility."

9 Have you ever received a report from a fiscal  
10 agent relating to their findings on that?

11 A Not that I recall.

12 Q Have you ever received a request for funding or  
13 a budget request in order to address a deficiency  
14 identified in one of these reports?

15 MS. JOHNSON: Object to form.

16 THE WITNESS: Not that I recall. It -- when I  
17 was reviewing budgets, I was receiving daily requests via  
18 e-mail and telephone, so I don't know if it would be --  
19 if there would be a budget request for that.

20 Q BY MS. TAYLOE: Okay. And then in 5, it says:  
21 Submit requested data to the GaDOE -- I'm sorry. "Report  
22 requested data to SEA or GaDOE."

23 Have you ever requested or received requested  
24 data?

25 MS. JOHNSON: Object to form.

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1 THE WITNESS: I don't know if this is talking  
2 about specific requested data. I have received  
3 documents, but I don't know.

4 Q BY MS. TAYLOE: Have you ever requested data as  
5 a follow-up to anything that you have received?

6 MS. JOHNSON: Object to form.

7 THE WITNESS: Not that I recall, but it's  
8 possible.

9 Q BY MS. TAYLOE: Okay. Okay. I think I'm done  
10 with the rule.

11 For grants -- for GNETS grants that you have  
12 reviewed, has -- does any funding depend on the success  
13 of any prior year's use of funds for any stated  
14 objective?

15 MS. JOHNSON: Object to form.

16 THE WITNESS: Could you repeat that?

17 Q BY MS. TAYLOE: Yeah. When you review an  
18 approved GNETS grant, does any funding approval depend on  
19 the success of any prior year's use of funds for any  
20 stated objectives?

21 MS. JOHNSON: Object to form.

22 THE WITNESS: I'm not sure if it does in  
23 Vickie's review. It does not in the fiscal team's  
24 review.

25 Q BY MS. TAYLOE: Okay. So a grant application



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1 that states a particular intent, it could -- that funding  
2 could be granted year after year without anyone verifying  
3 that that intent has been successfully achieved or is on  
4 the way to being achieved?

5 MS. JOHNSON: Object to form.

6 THE WITNESS: I don't make decisions about  
7 state appropriations. Our federal allocations are based  
8 on need. I, again, submit the grant application for the  
9 IDEA funds, but I don't make decisions about that  
10 application.

11 We have a process to which we -- the managers  
12 provide information about what's needed that year, and I  
13 just aggregate it and sum it up. So yes, the federal  
14 funds are based on need, and the state funds I have no  
15 knowledge of that.

16 Q BY MS. TAYLOE: Have you ever received any  
17 notification from Vickie Cleveland or anybody in her  
18 position that a certain request should not be granted  
19 because of compliance issues or -- or indications that it  
20 is not being successful?

21 MS. JOHNSON: Object to form.

22 THE WITNESS: Not that I recall.

23 Q BY MS. TAYLOE: So Vickie may be reviewing  
24 grants for, you know, substantive criteria, but she's  
25 never asked you or shared any concerns or weighed in

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1 against funding on any -- for any basis, anything based  
2 on those reviews?

3 MS. JOHNSON: Object to form.

4 THE WITNESS: Not that I recall.

5 Q BY MS. TAYLOE: Can you tell us what the  
6 resource gap analysis is?

7 A I don't know what that means.

8 Q Okay. So you don't remember being assigned to  
9 complete a resource gap analysis for any GNETS programs?

10 A I don't remember. I don't -- I can guess as to  
11 what that means, but I don't remember that.

12 Q Okay.

13 MS. TAYLOE: Okay. Then as Exhibit 601, I  
14 would like to introduce the 2010 audit that we mentioned  
15 earlier.

16 (Plaintiff's Exhibit 601 was marked for  
17 identification.)

18 Q BY MS. TAYLOE: Okay. When it comes up, this  
19 is a very long document, so I do not expect you to review  
20 it.

21 A Okay.

22 Q I will ask you questions about specific places.

23 A It would be another three hours with this  
24 mouse.

25 Q Can you see it?

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1 A Oh, no. I'm seeing a document.

2 Q Okay. Have you seen this before?

3 A Not that I recall.

4 Q Okay.

5 A It's possible.

6 Q I think I forgot to ask you, too. Have you  
7 seen -- and you said you had -- you were aware there was  
8 a GNETS rule before. Have you seen the GNETS rule  
9 before?

10 A I have seen the GNETS rule before, yeah.

11 Q Okay. Do you remember in what context you saw  
12 it?

13 A No, I don't remember in what context I've seen  
14 it. And I've tried to review all the State Board of  
15 Education rules that apply to special ed, but I can't  
16 tell you them all.

17 Q Okay. And then, I'm sorry, back to the audit.  
18 So you don't recall having seen this?

19 A I don't recall.

20 Q Okay. So I'm going to ask you about some of  
21 the audit department's conclusions. And I can provide  
22 page numbers if you want to see where they are.

23 A Okay.

24 Q But you don't have to read the whole thing.

25 One of the department's conclusions was that

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1 GaDOE does not collect sufficient data to determine  
2 whether a GNETS program is cost-effective.

3 Has GaDOE done any studies or analyses to  
4 address this finding?

5 MS. JOHNSON: Object to form.

6 THE WITNESS: I'm not sure.

7 Q BY MS. TAYLOE: Have you been asked to provide  
8 any data to help with this analysis?

9 MS. JOHNSON: Object to form.

10 THE WITNESS: I don't know. I've been asked to  
11 provide budgets in the past but not specific to anything  
12 that -- that I would be aware that's related to this.

13 Q BY MS. TAYLOE: Okay. Has GaDOE passed a rule  
14 or guidance or anything to require a way to measure LEA  
15 contributions?

16 MS. JOHNSON: Object to form.

17 THE WITNESS: I don't know.

18 Q BY MS. TAYLOE: Okay. Has GaDOE collected data  
19 on the number of students diverted from other placements?

20 A I'm not sure.

21 Q Has GaDOE developed measurable goals for GNETS  
22 programs and taken steps to identify which indicators  
23 could help measure performance?

24 MS. JOHNSON: Object to form.

25 THE WITNESS: I'm not sure.

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1 Q BY MS. TAYLOE: Has GaDOE taken any steps to  
2 allow it to identify individual programs that are not  
3 performing well?

4 MS. JOHNSON: Object to form.

5 THE WITNESS: I'm not sure to the specifics of  
6 that. I -- I know that it was discussed that, you know,  
7 measures were being taken for improvement, but I don't  
8 know what they were or were in those discussions about  
9 specifics other than that it is taking place.

10 Q BY MS. TAYLOE: Who was discussing measures to  
11 be taken to improvement?

12 A I mean, it's just been understood and said.  
13 Zelfhine has said it, Smith-Dixon. Debbie has said it.  
14 Nakeba had said it. Vickie had said it. I know they  
15 have said it, but...

16 Q I'm sorry, they have all said what?

17 A Steps have been taken for improvement, but I  
18 don't know specifics.

19 Q For improvement, do you know of GNETS program  
20 generally or of specific aspects of GNETS?

21 A GNETS in general.

22 Q Okay. Has GaDOE created mechanisms to  
23 disaggregate appropriate student measures of -- I'm  
24 sorry. Has GaDOE created mechanisms to disaggregate  
25 appropriate student success measures of GNETS students

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1 and GNETS students by program?

2 A I'm not sure.

3 Q Okay. Now here's one I actually want you to  
4 turn to page 25, if you can, and I will help you find  
5 the... So there's a big chart on page 25, and we'll look  
6 at the paragraph under the chart.

7 A Okay. Okay. I'm on page 20 of 70.

8 Q Getting close.

9 A It's not responding. It says at the top.

10 Q We were so close.

11 A Oh, there it goes a little bit.

12 Are you doing it?

13 MS. GARDNER WOMACK: I'm trying. This file is  
14 really big and not cooperating.

15 Q BY MS. TAYLOE: That's it, yeah. The paragraph  
16 below Exhibit 9.

17 A I got it.

18 Q Okay. So the paragraph is called "Agency  
19 Response."

20 A Okay.

21 Q This is GaDOE's response to the audit team's  
22 finding about accountability.

23 A Okay.

24 Q Could you read that paragraph aloud, because I  
25 want to ask you some follow-up questions, and I want the

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1 comparatives to be on the record.

2 A Okay. "Agency Response: GaDOE agrees that  
3 GNETS programs should be held accountable but disagrees  
4 that the programs are not accountable to GaDOE. GaDOE  
5 notes that it has held programs accountable by: setting"  
6 standard -- "setting targets for student performance in  
7 the State Performance Plan (SPP) and in the Annual  
8 Performance Plan (APR); monitoring GNETS program's  
9 compliance with the Individuals with Disabilities  
10 Education Act (IDEA) and State Board of Education rules;  
11 requiring each GNETS program to annually submit a plan as  
12 part of the Georgia Continuous Improvement Monitoring  
13 Plan (GCIMP); conducting a Focused Monitoring visit of  
14 two GNETS programs each year; developing a corrective  
15 action plan (CAP) for compliance issues identified in the  
16 monitoring process; ensuring that the CAP is implemented;  
17 reviewing the IEPs of students served in the GNETS  
18 program as a part of the local school district record  
19 reviews, and requiring each GNETS program to annually  
20 develop a safe schools plan."

21 Q Okay. Thank you very much.

22 A You're welcome.

23 Q Is GaDOE still doing each of these things to  
24 ensure that regional GNETS programs are held accountable?

25 A I'm not sure.

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1 Q Okay. Are there any of those that you are  
2 familiar with?

3 A I think that the monitoring GNETS program's  
4 compliance with the Individuals with Disabilities  
5 Education Act, I believe that to the extent that we're  
6 talking about federal funds, that I would have some  
7 knowledge of that. But the rest of it, I do not know.

8 Q Okay. Have you seen any corrective action  
9 plans?

10 A I have not seen corrective action plans from  
11 focused monitoring visits. We have -- if we're  
12 monitoring any LEA and there needs to be a corrective  
13 action in the fiscal team, we develop the corrective  
14 action. So I would have seen those in the monitoring  
15 process, but not -- but I'm talking about  
16 cross-functional monitoring, not focused monitoring, and  
17 I'm not sure if they are intertwined.

18 Q Okay. So could GaDOE approve a budget for the  
19 statewide GNETS program or an allocation for a regional  
20 GNETS program without having any evidence that these  
21 reviews had been conducted or the required corrective  
22 actions had been taken?

23 MS. JOHNSON: Object to form.

24 THE WITNESS: Possibly.

25 Q BY MS. TAYLOE: Have, in fact, you approved



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1 budgets without having evidence that these reviews have  
2 been conducted?

3 A Yes.

4 MS. JOHNSON: Object to form.

5 Q BY MS. TAYLOE: And have you, in fact, approved  
6 budgets without any evidence that the corrective --  
7 required corrective actions have been taken?

8 A Yes.

9 MS. JOHNSON: Object to form.

10 Q BY MS. TAYLOE: Regarding the audit's findings  
11 related to systems of care, has GaDOE collaborated across  
12 agencies to braid funding streams and develop interagency  
13 agreements regarding the provision of behavioral health  
14 services?

15 A I'm not sure.

16 Q So you -- your division doesn't work with, for  
17 instance, DBHDD or anybody else to provide services  
18 jointly?

19 A I don't personally work with DBHDD. I'm not  
20 sure who in the division would. We do have that state  
21 interagency grant that I mentioned earlier, but I'm not  
22 working with DBHDD in that regard.

23 Q The audit team found that such collaboration  
24 could enable GaDOE to sign a state level agreement  
25 allowing DBHDD providers into the GNETS program to

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1 provide therapeutic services at the GNETS facility.

2 Has this occurred?

3 A I'm not sure.

4 Q Okay. Are you familiar with the Apex Program?

5 A No.

6 Q Okay. I think we're done then. Thank you very  
7 much.

8 A Thank you.

9 MS. TAYLOE: Do you have any?

10 MS. JOHNSON: I do not have any questions.

11 MS. TAYLOE: Okay. All right. I appreciate  
12 your time. I hope you get a good night's sleep tonight.

13 THE WITNESS: Thank you.

14 THE VIDEOGRAPHER: We are off the record at  
15 5:12 p.m.

16 MS. JOHNSON: We'll read and sign.

17 THE REPORTER: Did you need a copy of the  
18 transcript?

19 MS. JOHNSON: Electronic copy, yes.

20 (The deposition concluded at 5:12 p.m.)  
21  
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## CERTIFICATE OF REPORTER

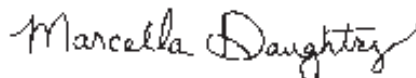
STATE OF GEORGIA     )  
                                  )  
COUNTY OF DEKALB    )

I, Marcella Daughtry, a Certified Reporter in the state of Georgia and state of California, do hereby certify that the foregoing deposition was taken before me in the County of DeKalb, state of Georgia; that an oath or affirmation was duly administered to the witness, AMBER MCCOLLUM; that the questions propounded to the witness and the answers of the witness thereto were taken down by me in shorthand and thereafter reduced to typewriting; that the transcript is a full, true and accurate record of the proceeding, all done to the best of my skill and ability;

The witness herein, AMBER MCCOLLUM, has requested signature.

I FURTHER CERTIFY that I am in no way related to any of the parties nor am I in any way interested in the outcome hereof.

IN WITNESS WHEREOF, I have set my hand in my office in the County of DeKalb, State of Georgia, this 21st day of November, 2022.



Marcella Daughtry, RPR, RMR  
GA License No. 6595-1471-3597-5424  
California CSR No. 14315

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1 United States of America v. State of Georgia  
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3 DECLARATION UNDER PENALTY OF PERJURY

5 I declare under penalty of perjury that I  
6 have read the entire transcript of my deposition taken in  
7 the above-captioned matter or the same has been read to  
8 me, and the same is true and accurate, save and except  
9 for changes and/or corrections, if any, as indicated by  
10 me on the DEPOSITION ERRATA SHEET hereof, with the  
11 understanding that I offer these changes as if still  
12 under oath.

14 Signed on the \_\_\_\_\_ day  
15 of \_\_\_\_\_ 20\_\_.

19 \_\_\_\_\_  
20 AMBER MCCOLLUM

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AMBER McCOLLUM

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AMBER McCOLLUM

Signature: \_\_\_\_\_

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